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Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Fifty-eighth year

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the tenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the Tribunal in accordance with article 34 of its Statute (see S/25704 and Corr.1, annex), which states:

> "The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly."

* A/58/150.

** The present report covers the period from 1 August 2002 to 31 July 2003.

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Tenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The tenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia covers the period from 1 August 2002 to 31 July 2003.

The pace of the Tribunal's activities has reached an all-time high. Holding six trials simultaneously throughout the year, the Tribunal's three Trial Chambers have handled more cases during the period covered by the present report than in previous years. They examined 29 merits cases (as well as three cases of contempt) and rendered four final judgements on the merits or sentencing judgements. The trial of Slobodan Milošević, former head of State of the Federal Republic of Yugoslavia, continued before Trial Chamber III. The Trial Chambers also received an increasing number of guilty pleas resulting from plea agreements, including from Biljana Plavsić, former Co-President of the Republika Srpska. The Appeals Chamber too has disposed of a greater number of appeals than in years past.

While carrying out its mission with full vigour, the Tribunal has pressed forward with plans to bring its efforts to an orderly close in the foreseeable future. Internal reforms designed to improve the efficiency of proceedings continue. Notably, on 19 May 2003, at the urging of President Meron (and in accord with an earlier recommendation by President Jorda), the Security Council unanimously adopted resolution 1481 (2003), amending the Tribunal's Statute to permit ad litem judges to do pre-trial work in addition to participating in the trials to which they are assigned. In the spring of 2003, the Tribunal put in place a major element in the external component of its completion strategy by reaching an agreement with the Office of the United Nations High Representative for Bosnia and Herzegovina concerning the establishment of a special chamber for war crimes prosecutions in the State Court of Bosnia and Herzegovina. The establishment of that chamber, endorsed by the steering board of the Peace Implementation Council on 12 June 2003, should enable the Tribunal to begin transferring some cases of mid- and lower-level accused by the end of 2004 or early 2005. The Prosecutor remains committed to ceasing investigations by the end of 2004.

The Tribunal currently has a total of 24 judges from 23 nations: 16 permanent judges, including two judges from the International Criminal Tribunal for Rwanda (ICTR) serving in the Appeals Chamber, and eight of a possible nine ad litem judges.

On 27 February 2003, the permanent judges elected Theodor Meron (United States of America) President, effective 11 March 2003. He succeeded Claude Jorda (France).

During the reporting period, the following changes in the membership of the Tribunal occurred. Judge Asoka de Zoysa Gunawardana (Sri Lanka) left the Appeals Chamber. He remains a Trial Chamber Judge of ICTR. On 4 June 2003, Judge Inés

Mónica Weinberg de Roca (Argentina) joined the Appeals Chamber. Ad litem Judge Mohamed Fassi Firi (Morocco) left because of illness on 31 October 2002. He was replaced by ad litem Judge Carmen Maria Argibay (Argentina), who was appointed on 1 November 2002. Ad litem Judges Maureen Harding Clark (Ireland) and Fatoumata Diarra (Mali) finished their terms of service on 31 March 2003. Ad litem Judge Joaquin Martín Canivell (Spain) was appointed 1 May 2003.

The judges held two regular and two extraordinary plenary sessions, at which they amended the Rules of Procedure and Evidence to clarify the standards for referral of cases to competent national courts; to permit the replacement of a judge in certain cases of judicial disability even without the consent of the accused, when the interests of justice so warrant; and to give Trial Chambers somewhat greater power to limit the amount of evidence presented by the Prosecution.

The invigorated law enforcement efforts of the Serbian government in the wake of the assassination of Prime Minister Zoran Djindjić on 11 March 2003 led to the arrest and transfer to the Tribunal of several important accused, including Franko Simatović and Veselin Sljivancanin. But nearly 20 indictees, including some high-ranking military and political officials, notably Radovan Karadzić and Ratko Mladić, remain at large. The full cooperation of the States of the international community, and especially of the States of the former Yugoslavia, remains essential if the Tribunal is to carry out its mandate.

In September 2002, pursuant to decisions made at the July 2002 plenary, the Tribunal saw the establishment of an Association of Defence Counsel. Under revised rule 44(A) of the Rules of Procedure and Evidence, attorneys representing accused persons at the Tribunal must belong to the Association, which makes them subject to a code of professional conduct and a disciplinary system. These reforms should help improve the quality and accountability of defence counsel as well as enabling the Tribunal to keep better informed about the concerns of the defence bar.

The Registry of the Tribunal, under the supervision of the Registrar, Hans Holthuis, continued to perform its core activities by exercising court management functions, providing administrative services to the Chambers and the Office of the Prosecutor, providing information to the media and the public, administering the legal aid system under which it assigns defence counsel to indigent accused, providing services to victims and witnesses, and supervising the Detention Unit.

The number of requests for documents (approximately 6,000), visitors to the Tribunal (approximately 5,000), and visits to its web site (approximately 675,000 per month) all increased over previous years.

The Victims and Witnesses Section assisted the approximately 550 witnesses and accompanying persons who came to The Hague.

The Tribunal received approximately $2.2 million and pledges totalling $650,000 in voluntary contributions from States and intergovernmental and non-governmental organizations. Those contributions supported the Office of the Prosecutor's arrest initiative, military analysis, operations in Kosovo, investigations in the former Yugoslav Republic of Macedonia, review of cases being considered for prosecution in local courts through the "rules of the road" project, and the Tribunal's outreach programme, which works to keep the people of the region informed about the Tribunal's activities.

In May 2003, the Tribunal began operation of the judicial database, which provides the judges, as well as Chambers, Registry and Office of the Prosecutor staff, with electronic access to court records in most of the Tribunal's cases. The elimination of the backlog of documents to be entered into the system should be completed by the end of 2003.

On 12 February 2003, the General Assembly adopted resolution 57/288, in which it decided that the revised appropriation approved in its resolution 56/247 B for the biennium 2002-2003 would be increased to $262,653,700 gross ($235,955,000 net) in order to cover the requirements of an additional trial team in the Office of the Prosecutor (six new posts) as well as adjustments in the re-costing of the appropriation. The current number of authorized posts is 1,058.

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I. Introduction

1. The tenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia (ICTY) since 1991 describes in detail the activities of the Tribunal for the period from 1 August 2002 to 31 July 2003.

2. The number of cases handled by the Trial Chambers continues to rise. The Tribunal continues to honour the commitments it made to the Security Council and, with morning and afternoon sessions in each of its three courtrooms, is conducting six trials at a time. Over the past year, the Trial Chambers examined 29 merits cases (as well as three cases of contempt) and rendered four final judgements on the merits or sentencing judgements. The Trial Chambers also received an increasing number of guilty pleas pursuant to plea agreements. During the reporting period, five accused pleaded guilty, including Biljana Plavsić, former Co-President of the Republika Srpska.

3. During the period under consideration, the Appeals Chamber disposed of 36 interlocutory appeals, two requests for review and two contempt proceedings, and handed down one judgement on the merits.

4. The Tribunal has pressed forward with its completion strategy, in accord with the proposals given to the Security Council by President Jorda, the Prosecutor and the Registrar in July 2002. The strategy is essentially two-pronged. First, it involves further focusing the Tribunal's mission on trying the most senior offenders for crimes which most seriously violate international public order and improving the efficiency with which those cases are handled. Second, it involves referring cases to competent national courts once certain conditions are met.

5. On 19 May 2003, the Security Council unanimously adopted resolution 1481 (2003), amending the Tribunal's Statute to permit ad litem judges to do pre-trial work in addition to participating in the trials to which they are assigned. This expansion in the powers of ad litem judges, which was immediately put into effect, enables them to make more efficient use of their time and thus helps the Tribunal bring cases to completion more expeditiously.

6. During the period under consideration, the Tribunal put in place a major piece of its completion strategy by reaching an agreement with the Office of the United Nations High Representative for Bosnia and Herzegovina concerning the establishment of a special chamber for war crimes prosecutions in the State Court of Bosnia and Herzegovina. The establishment of that chamber, endorsed by the steering board of the Peace Implementation Council on 12 June 2003, should enable the Tribunal to begin transferring some cases of mid- and lower-level accused by the end of 2004 or early 2005.

7. The Prosecutor remains committed to completing her investigations and ceasing to seek indictments by the end of 2004. The Office of the Prosecutor presented its case in seven trials and worked on 19 cases in the pre-trial stage. The investigations by the Office of the Prosecutor remain dependent on the will of the States of the former Yugoslavia to cooperate actively in handing over evidence.

8. The invigorated law enforcement efforts of the Serbian government in the wake of the assassination of Prime Minister Zoran Djindjić on 11 March 2003 led to

the arrest and transfer to the Tribunal of several important accused, including Franko Simatović and Veselin Šljivančanin. But nearly 20 indictees, including some high-ranking military and political officials, notably Radovan Karadzić and Ratko Mladić, remain at large. The full cooperation of all the States of the international community remains essential if the Tribunal is to carry out its mandate.

II. Activities involving the entire Tribunal

A. President

9. Judge Claude Jorda served as President of the Tribunal until 10 March 2003. Judge Theodor Meron, elected by the permanent judges on 27 February 2003, took up his Presidential duties on 11 March 2003. Both President Jorda and President Meron pursued reforms of the Tribunal's structure and operation.

1. Reforms

(a) Internal reforms

10. The most important internal reform during the reporting period was the removal of the ban on ad litem judges adjudicating in pre-trial matters. At President Meron's urging (and in accord with an earlier recommendation by President Jorda), on 19 April 2003 the Security Council unanimously adopted resolution 1481 (2003), amending the Tribunal's Statute to enable ad litem judges to undertake pre-trial work. This reform enables ad litem judges to make more efficient use of their time and to enhance their already important contribution to the work of the Tribunal, thus helping the Tribunal to bring cases to completion more expeditiously.

11. In September 2002, pursuant to decisions made at the July 2002 plenary, the Tribunal saw the establishment of an Association of Defence Counsel. Under revised rule 44(A), attorneys representing accused persons at the Tribunal must belong to the Association, which makes them subject to a code of professional conduct and a disciplinary system. These reforms should help improve the quality and accountability of defence counsel as well as enabling the Tribunal to keep better informed about the concerns of the defence bar.

12. A reinvigorated Judicial Practices Working Group, a group of five judges headed by the President, has also been investigating various proposals for improving the efficiency of trial and appellate proceedings. The Group developed an amendment of rule 15 *bis*, allowing the replacement of a judge in the event of certain types of judicial disability, even in the absence of approval by the accused, that was adopted at the December 2002 plenary. An amendment of rule 73 *bis*, also developed by the Group and giving the Trial Chambers greater authority to control the scope of the case presented by the Prosecution, was approved at the July 2003 plenary.

(b) External reforms

13. Following up the report submitted to the Security Council by President Jorda, the Prosecutor and the Registrar in June 2002 (S/2002/678), both President Jorda and President Meron greatly advanced the Tribunal's completion strategy by

contributing to the establishment of a special chamber for war crimes prosecution in the new State Court of Bosnia and Herzegovina. After months of negotiations, President Jorda in February 2003 entered into an agreement with the Office of the United Nations High Representative for Bosnia and Herzegovina for the establishment of the new chamber. President Meron twice addressed the steering board of the Peace Implementation Council, urging it to endorse the project, once in Brussels on 29 March 2003 and once in Sarajevo on 11 June 2003. On 12 June 2003, the steering board endorsed the project.

14. The creation of the special war crimes chamber in Sarajevo will provide a forum to which the Tribunal may transfer a number of cases of lower- and mid-level accused. At a special plenary session on 30 September 2002, the permanent judges amended rule 11 *bis* to set out the criteria that must be satisfied before a case may be referred to a domestic court once an indictment has been confirmed. A Trial Chamber must approve the referral, and it must, in accordance with Security Council presidential statement S/PRST/2002/21, consider the gravity of the crimes charged and the level of responsibility of the accused. Referrals are permitted regardless of whether the accused is already in the custody of the Tribunal. Referrals may be made either to the State in whose territory the crimes are alleged to have taken place or to the State in which the accused was arrested.

2. Diplomatic relations and other representation

15. In 2002-2003, both President Jorda and President Meron met at the seat of the Tribunal and during travels abroad with representatives of States and national and international organizations. During these meetings, the Presidents responded to ambassadors' questions and indicated the plans adopted by the Tribunal to wind down its mission gradually and in a coordinated manner. The diplomatic meetings focused as well on the objectives and mechanisms for cooperation between States and the Tribunal in various areas, such as the arrest of accused and the framework agreements with the States responsible for the enforcement of sentences. President Meron travelled to Sarajevo on 10 and 11 June 2003, where, in addition to addressing the steering board of the Peace Implementation Council, he met with Slobodan Kovać, the Bosnia and Herzegovina Minister of Justice, Marinko Jurčević, the Chief Prosecutor of Bosnia and Herzegovina, and Martin Raguz, the President of the State Court of Bosnia and Herzegovina.

16. At a diplomatic seminar on 17 January 2003, attended by almost 90 diplomats representing 75 States, the President, the Prosecutor and the Registrar described the Tribunal's activities and the main directions of the Tribunal's completion strategy.

17. President Jorda addressed the Security Council and the General Assembly in October 2002 in order to present the annual report of the Tribunal covering the period 1 August 2001 to 31 July 2002 (A/57/379-S/2002/985).

3. Judicial activity

18. By virtue of the powers vested in them by the Statute, the Rules of Procedure and Evidence, and the Practice Directions of the Tribunal, both Presidents issued many orders last year, such as those assigning cases to the Trial Chambers, establishing the composition of the Appeals Chamber for particular cases, and appointing pre-Appeal Judges.

19. President Jorda granted requests for early release from Milojica Kos and Damir Dosen, on 30 July 2002 and 28 February 2003, respectively. President Meron granted the request for early release of Zdravko Mucić on 7 July 2003. In each case, the prisoner had served at least two thirds of his sentence. On 13 December 2002, President Jorda denied the request for early release of Miroslav Kvocka.

B. Bureau

20. Pursuant to rule 23, the Bureau is composed of the President, the Vice-President and the presiding judges of the three Trial Chambers. As rule 23 directs, the President consults the members of the Bureau on all major questions relating to the functioning of the Tribunal. The Chef de Cabinet acts as Executive Secretary of the Bureau. The Registrar was often invited to join the meetings in order to assist the members of the Bureau in their discussions.

21. During the reporting period, the Bureau met six times. The issues it addressed included proposals to improve the efficiency of trial proceedings, including a set of proposals sent by the Prosecutor to the President; the appointment and assignment of ad litem judges; the recruitment of a Deputy Registrar; relations with the host country; requests for early release; the completion strategy; questions about translation and interpretation; the status of the case; and security concerns. The Bureau also rendered three decisions denying applications to have judges disqualified for lack of impartiality under rule 15.

C. Coordination Council

22. Pursuant to rule 23 *bis* of the Rules of Procedure and Evidence, the Coordination Council consists of the President, the Prosecutor and the Registrar. If they are unavailable, the President, Prosecutor and Registrar may be represented by the Vice-President, Deputy Prosecutor and Deputy Registrar, respectively.

23. The Council provides a forum for the principal organs of the Tribunal to engage in regular dialogue concerning the Tribunal's operations and thus to work together to overcome any difficulties the Tribunal encounters in the fulfilment of its mission. In the period under consideration, the Council met four times. It considered such varied matters as the budget, the organization of the Tribunal's judicial activities, the completion strategy, electronic filing of court documents, methods for disclosure of exculpatory material under rule 68, and voluntary contributions.

D. Management Committee

24. Pursuant to rule 23 *ter* of the Rules of Procedure and Evidence the Management Committee assists the President in the exercise of his functions as set forth in rules 19 and 33 concerning, in particular, Registry activities relating to administrative and judicial support provided to the Chambers and the judges. The Committee ensures that the priorities and needs of the Chambers are in fact taken into account by the Registry. The Management Committee is presided over by the President, and its members include the Vice-President, one other permanent judge elected by his peers, the Registrar and the Chief of Administration.

E. Plenaries

25. The judges held two extraordinary plenary sessions, on 30 September 2002 and 27 February 2003, and two regular plenary sessions, on 12 December 2002 and 17 July 2003.

26. At the September 2002 plenary, the judges adopted amendments to rule 11 *bis* concerning referral of cases to national courts. The amendments, adopted as part of the Tribunal's completion strategy, are described in paragraph 14 above.

27. At the December 2002 plenary, the judges examined the following issues: the completion strategy; the budget and voluntary contributions; and amendments to the Rules of Procedure and Evidence.

28. At the February 2003 plenary, the permanent judges elected Judge Theodor Meron as President and Judge Fausto Pocar as Vice-President. Both were elected by acclamation.

29. At the July 2003 plenary, the judges adopted several amendments to the Rules of Procedure and Evidence and heard a presentation from the president of the Association of Defence Counsel concerning the system for payment of defence counsel.

F. Rules Committee

30. The Rules Committee is chaired by Judge May. Its other judicial members are the President and Judges Hunt, El Mahdi and Agius. Michael Johnson, the Chief of Prosecutions, and Ken Scott, a Senior Trial Attorney, serve as non-voting members from the Office of the Prosecutor. Two members of the Association of Defence Counsel also serve as non-voting members.

31. Since the 26th plenary, held in July 2002, the judges have met in plenary and amended the Rules of Procedure and Evidence on three occasions.

32. At an extraordinary plenary held in September 2002, in accord with a recommendation of the Rules Committee, the judges amended rule 11 *bis* dealing with the referral of cases to national courts. The amendments are described in paragraph 14 above.

33. At the 27th session of the plenary, held in December 2002, the judges approved amendments to the following rules: rule 2; rule 15(C) and (D); rule 15 *bis* (A), (C), (D) and (E); rule 28(C) and (D); rule 43; rule 51(A); rule 54 *bis* (C); rule 65 *bis* (C); rule 68; rule 72(E); rule 75(C) and (H); rule 94 *bis* (B) and rule 116 *bis* (A). The most significant amendments were to rule 15 *bis*, allowing for the replacement of a judge and appointment of a substitute during a trial, over the objection of an accused, in certain circumstances if the interests of justice so warrant, and to rule 75, concerning witness protection procedures. With two exceptions, these amendments were recommended by the Rules Committee. All amendments made at this plenary can be found in Tribunal document IT/213.

34. At the 28th session of the plenary, held in July 2003, the judges approved amendments to rules 62, 65 *bis*, 65 *ter*, and 73 *bis*. The first three amendments were made in accord with Security Council resolution 1481 (2003), expanding the power of ad litem judges to undertake pre-trial work. The amendment of rule 73 *bis* gives

the Trial Chambers a discretionary power to fix a number of crime sites or incidents as representative of the crimes charged in the indictment and to restrict the prosecution's presentation of evidence to those sites or incidents.

35. Amendments were also made to rules 115 and 62 by unanimous agreement of the judges under rule 6(B).

G. Judicial Practices Working Group

36. The Judicial Practices Working Group, composed of the President, the Vice-President and Judges Schomburg, Robinson and Janu, met three times during the reporting period. It worked on a number of proposals for changes in the Rules and in judicial practice, all with the goal of improving the efficiency of Tribunal proceedings. The proposals for the amendment of rule 15 *bis* and 73 *bis* adopted at plenary sessions originated in the Judicial Practices Working Group.

III. Activities of Chambers

A. Composition of the Chambers

37. The Tribunal currently has 24 judges in total: 16 permanent judges, including two ICTR judges serving in the Appeals Chamber, and eight ad litem judges.

38. During the reporting period, the following changes in the membership of the Tribunal occurred. Judge Asoka de Zoysa Gunawardana (Sri Lanka) left the Appeals Chamber. He remains a Trial Chamber Judge of ICTR. On 4 June 2003, Judge Inés Mónica Weinberg de Roca (Argentina) joined the Appeals Chamber. Ad litem Judge Mohamed Fassi Firi (Morocco) left because of illness on 31 October 2002. He was replaced by ad litem Judge Carmen Maria Argibay (Argentina), who was appointed on 1 November 2002. Ad litem Judges Maureen Harding Clark (Ireland) and Fatoumata Diarra (Mali) finished their terms of service on 31 March 2003. Ad litem Judge Joaquín Martín Canivell (Spain) was appointed 1 May 2003.

39. The permanent judges are Theodor Meron (President, United States of America), Fausto Pocar (Vice-President, Italy), Richard May (Presiding Judge, Trial Chamber III, United Kingdom of Great Britain and Northern Ireland), Wolfgang Schomburg (Presiding Judge, Trial Chamber II, Germany), Liu Daqun (Presiding Judge, Trial Chamber I, China), Claude Jorda (France), Mohamed Shahabuddeen (Guyana), Florence Ndepele Mwachande Mumba (Zambia), David Anthony Hunt (Australia), Patrick Lipton Robinson (Jamaica), Mehmet Güney (Turkey), Amin El Mahdi (Egypt), Carmel A. Agius (Malta), Alphonsus Martinus Maria Orie (the Netherlands), O-Gon Kwon (Korea) and Inés Mónica Weinberg de Roca (Argentina).

40. The ad litem judges are Ivana Janu (Czech Republic), Chikako Taya (Japan), Sharon A. Williams (Canada), Rafael Nieto-Navia (Colombia), Volodymyr Vassylenko (Ukraine), Per-Johan Viktor Lindholm (Finland), Carmen Maria Argibay (Argentina) and Joaquín Martín Canivell (Spain).

41. Trial Chamber I is composed of three permanent judges, Judges Liu Daqun (presiding), Amin El Mahdi and Alphonsus Orie, and two ad litem judges, Judges Rafael Nieto-Navia and Judge Joaquín Martín Canivell.

42. Trial Chamber II is composed of three permanent judges, Judges Wolfgang Schomburg (presiding), Florence Mumba and Carmel A. Agius, and six ad litem judges, Judges Ivana Janu, Chikako Taya, Sharon Williams, Volodymyr Vassylenko, Per-Johan Viktor Lindholm and Carmen Maria Argibay. Section 1 of Trial Chamber II is composed of Judges Florence Mumba (presiding), Sharon Williams and Per-Johan Lindholm; section 2 is composed of Judges Carmel A. Agius (presiding), Ivana Janu and Chikako Taya; and section 3 is composed of Judges Wolfgang Schomburg (presiding), Volodymyr Vassylenko and Carmen Maria Argibay.

43. Trial Chamber III is composed of three permanent judges, Judges Richard May (presiding), Patrick Robinson and O-Gon Kwon.

44. The Appeals Chamber is composed of Judges Theodor Meron (presiding), Fausto Pocar, Claude Jorda, Mohamed Shahabuddeen, David Hunt, Mehmet Güney and Inés Mónica Weinberg de Roca.

B. Principal activities of the Chambers

45. The tables below show the cases dealt with by the three Trial Chambers at one stage or other during the reporting period.

Trial Chambers: merits cases

Trial Chamber I	*Trial Chamber II*	*Trial Chamber III*
Ademi	*Blagojević, Obrenović, Jokić and Momir Nikolić*	*Banović, Fuštar, Kneževič, Gruban, Meakić*
Blagojević, Obrenović, Jokić and Momir Nikolić	*Bobetko*	*Došen, Kolundžija, Sikirica*
Češić *Galić*	*Brđanin and Talić*	*Halilović*
Krajišnik	*Deronjić*	*Milošević*
Limaj et al.	*Hadzihasanović, Alagić and Kubura*	*Milutinović, Sainović, Ojdanić*
Ljubičić	*Mrđja*	*Orić*
Martić	*Mrkšić, Radić, and Sljivancanin*	*Plavšić*
Naletilić and Martinović	*Dragan Nikolić*	*Simatović*
Stanković	*Šešelj*	
Strugar and Jokić	*Simić, Tadić and Zarić*	

Trial Chambers: merits cases		
Trial Chamber I	***Trial Chamber II***	***Trial Chamber III***
	Stakić	
	Vasiljević	

Trial Chambers: contempt cases		
Trial Chamber I	***Trial Chamber II***	***Trial Chamber III***
	Jovanović	*Witness K-12*
	Maglov	

46. The tables below show the cases dealt with by the Appeals Chamber during the reporting period.

Appeals Chamber *Appeals from judgement*	
Blaškić	1 (ongoing)
Kordić and Čerkez	1 (ongoing)
Krnojelac	1 (ongoing)
Krstić	1 (ongoing)
Kvočka et al.	1 (ongoing)
Martinović and Naletilić	1 (ongoing)
Mucić et al. (Čelebići)	1
Vasiljević	1 (ongoing)

Appeals Chamber *Interlocutory appeals*	
Blagojević et al.	7
Bobetko	2
Brđanin and Talić	1+1[a]
Galić	1
Gruban	1
Hadzihasanović et al.	3

Appeals Chamber *Interlocutory appeals*	
Ljubičić	1
Martić	1
Milošević	3 and 2 ongoing
Milutinović et al.	6 and 2 ongoing
Mrkšić	2
Nikolić	2 and 1 ongoing
Šešelj	2
Simić et al.	2
Stakić	1+1[a]
Strugar et al.	1

Appeals Chamber *Contempt*	
Milošević	2

Appeals Chamber *Review*	
Kupreškić et al.	1 + 1[a]
Tadić	1[a]

[a] Decision issued at the end of the previous reporting period and reported as ongoing in the last year's annual report.

1. Trial Chambers

47. The Tribunal has three courtrooms, and so normally six trials are in session at any time, with three trials sitting in the morning and three in the afternoon. During the reporting period, the Trial Chambers worked on 29 merits cases (as well as three cases of contempt) and rendered four final judgements on the merits or sentencing judgements.

(a) Merits cases

(i) Ademi

48. Ademi surrendered to the Tribunal in July 2001. At his initial appearance on 26 July 2001, he pleaded not guilty to two charges of crimes against humanity,

including persecution, and three charges of violations of the laws and customs of war in relation to crimes committed by persons under his authority (see article 7(3) of the Statute) in the "Medak Pocket" in Croatia from 9 September 1993 to about 17 September 1993. The defence filed two motions on the form of the indictment, which were finally decided upon on 21 January 2002. The accused was provisionally released on 20 February 2002 and has subsequently complied with the Chamber's order for regular appearances before the authorities in Croatia. The pre-trial judge, Judge Liu, held two status conferences, on 15 November 2001 and 1 February 2002. Pursuant to rule 65 *ter*, he requested the Senior Legal Officer to hold meetings with parties on a number of legal or factual issues. Three such meetings were held during the period under review, which led to the completion of the pre-trial stage of this case. The pre-trial briefs were submitted in June and July of 2003 and the case is ready for trial.

(ii) Banović, Fuštar, Knežević, Gruban, Meakić

49. On 17 September 2002, Trial Chamber III granted the prosecution's motion for joinder of accused and ordered that the Keraterm indictment against Dušen Fuštar, Predrag Banović and Duško Knežević (case No. IT-95-8/1-PT) and the Omarska indictment against Željko Meakić, Momčilo Gruban and Duško Knežević (case No. IT-95-4-PT) be joined and given a common case number. On 21 November 2002, the Trial Chamber granted the prosecution's request to amend the indictments and ordered that the consolidated indictment (case No. IT-02-65-PT), as attached to the prosecution motion for joinder filed on 5 July 2002, be the operative indictment. The consolidated indictment contains 5 counts. Gruban and Fuštar are charged under articles 7(1) and 7(3) with persecution on political, racial or religious grounds (article 5(h)), murder (articles 5(a) and 3), inhumane acts (article 5(i)) and cruel treatment (article 3). Knežević and Banović are charged under article 7(1) for the same crimes.

50. On 10 December 2002, Gruban and Knežević entered pleas of not guilty to the new charges. On this occasion, Gruban, who was on provisional release pursuant to the Trial Chamber decision of 17 July 2002, was required to return to the United Nations Detention Unit. He then left the Netherlands.

51. On 7 February 2003, the prosecution filed its pre-trial brief. On 31 March, and 22 and 23 April 2003, Gruban, Knežević and Fuštar filed their pre-trial briefs. On 4 April 2003, the Trial Chamber rendered decisions on the four preliminary motions challenging the form of the indictment filed by each of the accused.

52. On 18 March 2003, the Trial Chamber dismissed Knežević's motion for provisional release, filed on 27 January 2003. The Trial Chamber also dismissed, in September 2002 and May 2003, two applications by Gruban to vary the terms of his provisional release.

53. During the reporting period, the Trial Chamber rendered 31 decisions. Judge Robinson, the pre-trial judge, conducted four status conferences, and the Senior Legal Officer held four conferences pursuant to rule 65 *ter*. The pre-trial conference was scheduled to be held on 23 June 2003 but was postponed following the arrival of the co-accused Meakić.

54. On 26 June 2003, Trial Chamber III accepted a plea of guilty by Predrag Banović pursuant to a plea agreement under rules 62 *bis* and *ter*. Banović pleaded

guilty to one count of a crime against humanity through persecution, punishable under article 5(h) of the Statute. In exchange for Banović's guilty plea, the prosecution withdrew the other four counts in the indictment against him. The Trial Chamber tentatively scheduled a sentencing hearing for 3 September 2003.

55. Meakić was transferred to the Tribunal on 4 July 2003. He had his initial appearance before Judge Kwon of Trial Chamber III on 7 July 2003.

(iii) Bobetko

56. According to the indictment, confirmed on 17 September 2002 by Judge Liu and unsealed on 20 September 2002, Janko Bobetko was charged with two counts of crimes against humanity (persecutions on political, racial and religious grounds and murder) as recognized by article 5 of the Statute and three counts of violations of the laws or customs of war (murder; plunder of public or private property; wanton destruction of cities, towns or villages) punishable under article 3 of the Statute. The crimes were alleged to have occurred during the attack by the Croatian Army on the Medak Pocket region in the self-proclaimed Republika Srpska Krajina in the Republic of Croatia from 9 September 1993 until on or about 17 September 1993.

57. On 17 and 20 September 2002, Judge Liu issued confidential warrants of arrest and orders to Croatia to search for, arrest and transfer the accused to the custody of the Tribunal. On 28 November 2002, the Croatian Government informed the Registrar of the Tribunal, pursuant to rule 59, that it had not served the indictment or executed the warrant of arrest and transfer due to health concerns regarding the accused.

58. Following a request by the prosecution, Judge Agius, on 20 December 2002, ordered a medical examination of the accused by independent and qualified experts appointed by the Registrar. On 27 January 2003, the independent medical experts filed their medical report, which confirmed that the accused was unfit to travel to and stand trial before the Tribunal.

59. As the Croatian Government had failed to serve the indictment, Judge Agius issued an order on 19 March 2003 directing the Croatian Government to serve the indictment upon the accused or counsel of his choice and to confirm the service of the indictment. The order also suspended the warrants of arrest and orders for surrender, effective upon service of the indictment. On 4 April 2003, the Croatian Government informed the Registrar of the Tribunal that it had served the indictment via registered letter.

60. On 19 June 2003, the Tribunal received a death certificate indicating that the accused had died on 29 April 2003. Consequently, on 24 June 2003, Judge Schomburg issued a decision declaring the case closed causa mortis.

(iv) Blagojević, Obrenović, Jokić, Nikolić

61. Vidoje Blagojević, Dragan Obrenović, Dragan Jokić and Momir Nikolić were charged in a joint indictment with crimes related to the events following the fall of the Srebrenica "safe area" in July 1995. Blagojević was charged in the amended joint indictment with complicity in genocide, crimes against humanity (extermination, murder, persecutions and inhumane acts (forcible transfer)) and violations of the laws or customs of war (murder). Obrenović was charged with complicity in genocide, crimes against humanity (extermination, murder,

persecutions and inhumane acts (forcible transfer)) and violations of the laws or customs of war (murder). Jokić was charged with extermination, murder and persecution. Nikolić was charged with genocide, crimes against humanity (extermination, murder, persecutions and inhumane acts (forcible transfer)) and violations of the laws or customs of war (murder).

62. On 1 April 2003, following an order by the President, this case was transferred from Trial Chamber II (Judges Schomburg (presiding), Mumba and Agius) to Trial Chamber I (Judges Liu (presiding), Vassylenko and Argibay).

63. The trial was scheduled to commence on 6 May 2003. On the same day, Nikolić and the prosecution filed a joint motion for consideration of a plea agreement, with an annexed statement of facts. The Trial Chamber heard the parties on 6 and 7 May 2003, and upon finding that the plea was voluntary and informed and that a sufficient factual basis existed for the one count of crimes against humanity (persecutions) to which Nikolić pleaded guilty, the Trial Chamber entered a conviction on this count and dismissed the other counts. In the plea agreement, Nikolić agreed to testify against his co-accused, and both the defence and prosecution requested that sentencing be delayed until after Nikolić has testified in order for the Trial Chamber to assess the extent of his cooperation with the prosecution. The proceedings against Nikolić were separated from those against the remaining three accused. The sentencing briefs from both parties were due on 14 July 2003 and a sentencing hearing will be held in due course.

64. The trial of the remaining three accused commenced on 14 May 2003. During the testimony of the prosecution's first witness, the Trial Chamber was seized with a motion filed jointly by Obrenović and the prosecution for consideration of a plea agreement, with an annexed statement of facts. The Trial Chamber heard the parties on 21 May 2003, and upon finding that the plea was voluntary and informed and that a sufficient factual basis existed for the one count of crimes against humanity (persecutions) to which Obrenović pleaded guilty, the Trial Chamber entered a conviction on this count and dismissed the other counts. In the plea agreement, Obrenović agreed to testify against his co-accused, and both the defence and prosecution requested that sentencing be delayed until after Obrenović has testified in order for the Trial Chamber to assess the extent of his cooperation with the prosecution. The proceedings against Obrenović were separated from those against the remaining two accused. The sentencing briefs from both parties were due on 28 July 2003 and a sentencing hearing will be held in due course.

65. Following the guilty pleas of two of the accused and upon completion of the testimony of the first prosecution witness, the Trial Chamber adjourned the case for one month in order for the prosecution to reorganize its case and revise its witness list. The prosecution also used this time to take statements from Nikolić and Obrenović, which the Trial Chamber ordered must be disclosed to the remaining accused at least 25 days prior to calling either witness.

66. At the status conference on 27 November 2002 and again at the status conference held on 27 March 2003, Blagojević requested the withdrawal of his co-counsel, who, he claimed, had been chosen by his defence counsel against his wishes. Failing to identify any concrete complaints against the co-counsel, the Registrar refused on 8 April 2003 to withdraw the assigned co-counsel. At the pre-trial conference on 5 May 2003, Blagojević asked to have his defence counsel withdrawn for lack of trust. An *ex parte* hearing was held on 23 May 2003 with

Blagojević in the presence of an independent counsel assigned by the Registrar for the purpose of clarifying the reasons for the request to withdraw counsel. On 3 July 2003, the Trial Chamber handed down its decision, refusing to withdraw Blagojević's counsel or co-counsel but directing the Registrar to assign an additional legal representative to the defence team for up to three months.

(v) Brđanin and Talić

67. At the beginning of the reporting period, this case proceeded against both Radislav Brđanin and Momir Talić. They were charged with genocide; complicity in genocide; extermination; wilful killing; deportation; inhumane acts (forcible transfer); persecution; destruction or wilful damage done to institutions dedicated to religion; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; and unlawful and wanton extensive destruction and appropriation of property not justified by military necessity. The trial commenced on 23 January 2002. The case is being heard by Trial Chamber II, Judges Agius (presiding), Janu and Taya. During the current reporting period, the Prosecution's case continued. It is expected to close in August 2003.

68. On 20 September 2002, proceedings against the accused Talić were severed from those against the accused Brđanin following the diagnosis of the accused Talić as suffering from an incurable and inoperable illness in its terminal phase and on the basis that he would be unfit to stand trial for the entire duration of the trial proceedings. On the same date and the same basis, the accused Talić was granted provisional release.

69. On 23 October 2002, the case *The Prosecutor v. Momir Talić* (IT-99-36/1-T) was retained in Trial Chamber II, composed of Judges Schomburg (presiding), Mumba and Agius. Judge Agius acted as pre-trial judge. The case remained suspended and adjourned *sine die* pending a change in the accused Talić's health. On 28 May 2003, Talić passed away. The Trial Chamber terminated the proceedings against him on 12 June 2003.

70. Following the severance, the case *The Prosecutor v. Radoslav Brđanin* (IT-99-36-T) continued. In the period from 26 September 2002 until 31 July 2003, a further 78 prosecution witnesses were heard by the Trial Chamber and a further 83 written statements were admitted pursuant to rule 92 *bis*.

71. Proceedings were significantly delayed in 2003 due to a number of difficulties with the defence team. First and foremost, lead defence counsel suffered serious health problems that necessitated his absence from The Hague for a period of two months. In an attempt to avoid an unnecessary adjournment, the Chamber impressed upon the defence team the need to continue proceedings with co-counsel temporarily in charge of cross-examinations. The refusal of the defence team to go along with this approach formed the basis of a Registrar's decision to withdraw the appointment of co-counsel. In order to allow the lead counsel to recover and to enable new co-counsel to be appointed and become familiar with the case, the Chamber adjourned the case between 14 March 2003 and 19 May 2003.

72. One major substantive issue stands out from the numerous decisions taken on a broad range of procedural issues during the present reporting period. Following an Appeals Chamber decision of 11 December 2002, overturning the 7 June 2002 Trial Chamber decision requiring the subpoenaed testimony of a journalist and setting out

a new test for establishing the circumstances under which war correspondents may be required to testify, the Trial Chamber addressed another Prosecution motion to subpoena the same journalist. In a decision issued on 30 June 2003, the Trial Chamber applied the new test to the facts of the case and rejected the prosecution request on the basis that the witness's testimony would not be of direct and important value in determining a core issue in the case. The article by the journalist was nevertheless admitted into evidence.

(vi) Češić

73. Following his arrest by the Serbian authorities on 25 May 2002, police officer Ranko Češić was transferred to the Tribunal on 17 June 2002. On the basis of his individual criminal responsibility under article 7(1) of the Statute, the indictment charges Češić with six counts of violations of the laws or customs of war (article 3, murder; humiliating and degrading treatment) and six counts of crimes against humanity (article 5, murder and rape) relating to his acts while serving as a prison camp guard at the Luka Camp in Brčko in Bosnia and Herzegovina.

74. At the initial appearance of the accused on 20 June 2002, he pleaded not guilty to all charges. His case is being heard by Trial Chamber I, composed of Judges Liu, El Mahdi and Orie. Judge Orie is the pre-trial judge. On 18 July 2002, Češić filed a preliminary motion challenging the Tribunal's jurisdiction and the form of the indictment, which was followed by a motion of 30 July 2002 by the prosecution for leave to amend the indictment. Both motions were decided by the Trial Chamber on 22 November 2002 in a single decision, which brought about a third amended indictment submitted by the prosecution on 26 November 2002. In response to a request from Češić, a new counsel was assigned to him by the Registrar in April 2003. The Chamber is awaiting the parties' pre-trial briefs, scheduled for submission in September and October 2003.

(vii) Deronjić

75. The accused Miroslav Deronjić was arrested on 7 July 2002 and the indictment was unsealed the following day. His initial appearance was held on 10 July 2002. The case was assigned to Trial Chamber II, with Judge Florence Mumba as pre-trial judge. Deronjić is charged with individual and superior responsibility for crimes against humanity (count 1, persecution; and count 2, murder) and violations of the laws or customs of war (count 3, murder; count 4, wanton destruction of cities, towns or villages; count 5, destruction of institutions dedicated to religion; and count 6, attack of an undefended village).

76. The Trial Chamber issued a decision on the form of the indictment on 25 October 2002. The prosecution accordingly submitted an amended indictment on 29 November 2002. Although the Trial Chamber granted a request by the defence to allow one further month to prepare any observations it might have on the amended indictment, no further observations were submitted.

77. On 6 December 2002, the accused filed a request to challenge the legality of his arrest, claiming that he had sustained serious bodily injuries during his arrest and that he had declared himself willing to surrender voluntarily to the Tribunal. A decision on this request is pending.

78. During the reporting period, three status conferences and three meetings pursuant to rule 65 *ter* took place.

(viii) Galić

79. The trial of General Stanislav Galić began before Trial Chamber I on 3 December 2001 with Judges Orie (presiding), El Mahdi and Nieto-Navia. Galić is charged, on the basis of a campaign of shelling and sniping on the town and inhabitants of Sarajevo from about 10 September 1992 to about 10 August 1994, with crimes against humanity and violations of the laws and customs of war, including infliction of terror. The Trial Chamber heard 117 witnesses during the prosecution case and 51 witnesses during the defence case. The trial closed on 9 May 2003. The judgement is being prepared.

(ix) Hadzihasanović and Kubura

80. According to the amended indictment, the accused are charged, on the basis of their command responsibility within the terms of article 7(3) of the Statute, with violations of the laws or customs of war pursuant to article 3 of the Statute, for alleged crimes committed in central Bosnia between 1 January 1993 and 31 January 1994, including killings, cruel treatment of detainees, wanton destruction of cities, towns or villages, plunder, and the destruction or wilful damage of institutions dedicated to religion. The case is assigned to Trial Chamber II. The pre-trial judge is Judge Mumba. The accused have been on provisional release since 19 December 2001.

81. On 12 November 2002, the Trial Chamber rendered a decision on a challenge to jurisdiction, jointly filed by the defence. The Trial Chamber held, inter alia, that the doctrine of command responsibility was applicable in the context of an internal armed conflict under customary international law already as of 1991. The defence jointly filed an interlocutory appeal of this decision on 27 November 2002. The Appeals Chamber affirmed in part and reversed in part on 16 July 2003. It held that command responsibility in non-international conflicts was established but that the principle of a commander's being criminally liable for acts by his subordinates committed before he assumed command had not been sufficiently clearly established as a rule of customary international law at the time of the alleged offences to form a basis for criminal liability under the Tribunal's Statute.

82. On 21 March 2003, the Trial Chamber issued an order terminating the proceedings against Mehmed Alagić, following his death on 7 March 2003.

83. On 25 March 2003, the prosecution filed a motion for leave to amend the amended indictment. The motion remains pending before the Trial Chamber.

84. On 28 March 2003, the Trial Chamber issued a request to the head of the European Union Monitoring Mission in Bosnia and Herzegovina to provide the defence with full access to the archives of the Mission in Bosnia and Herzegovina, subject to the right of the Mission to have the request set aside on the grounds that disclosure would prejudice Mission security interests. On 9 May 2003, the Mission responded, refusing to comply.

85. During the reporting period, four status conferences and four meetings pursuant to rule 65 *ter* were held.

(x) Halilović

86. Sefer Halilović is charged with murder as a violation of the laws or customs of war. Pre-trial preparation is continuing under the direction of the pre-trial judge, Judge Kwon of Trial Chamber III. The prosecution's pre-trial brief was filed in mid-June 2003.

87. The proceedings in this case have been delayed due to repeated changes of defence counsel. The first counsel assigned by the Registrar withdrew from the case in June 2002. The accused proposed a replacement counsel who was not satisfactory to the Registrar because of a potential conflict of interest. On 1 August 2002, the Trial Chamber denied Halilović's application to review the Registrar's decision of 19 June 2002 assigning a different counsel to the defence. On 9 September 2002, the replacement counsel asked to be withdrawn from the case, as the accused had refused to cooperate with him and as the previous defence counsel had not provided him with the materials relating to the case. On 23 September 2002, the Registrar withdrew the assignment of that counsel and, with the agreement of the accused, assigned Bakir Caglar as the accused's counsel. On 16 January 2003, Halilović requested the assignment of Ahmed Hodžić as counsel and the reassignment of Bakir Caglar as co-counsel. On 20 February 2003, the Registrar withdrew Bakir Caglar as counsel and assigned Ahmed Hodžić.

88. On 25 March 2003, the defence filed its pre-trial brief. In May and June 2003, the defence filed motions seeking to exclude the statement of the accused on the basis of an alleged conflict of interest on the part of the first assigned counsel, challenging the method of taking statements by the prosecution, and seeking to challenge the form of the indictment after expiration of the time limit in rule 72. All of these motions were denied.

89. On 14 March 2003, the prosecution filed a motion to take depositions for use at trial. On 22 May 2003 a status conference was held to discuss, inter alia, the practical arrangements and the presence of the accused at any such deposition that may be ordered by the Trial Chamber. From 8 to 10 July 2003, the Senior Legal Officer took deposition evidence by way of a video link.

90. During the reporting period, the Trial Chamber rendered 15 decisions, and Judge Kwon, the pre-trial judge, conducted three status conferences. Two conferences were convened by the Senior Legal Officer pursuant to rule 65 *ter*. The pre-trial conference was held on 15 July 2003, the parties were instructed to have the case ready for trial within six months, to allow the new defence team adequate time for preparation.

(xi) Krajišnik

91. This case originally concerned two high-ranking Bosnian Serb politicians, Biljana Plavšić and Momčilo Krajišnik. They were charged alternatively as commanders and participants in a joint criminal enterprise for the commission of offences including crimes against humanity, violations of the laws or customs of war, grave breaches of the Geneva Conventions and genocide. Krajišnik was arrested by international forces in early 2000 and Plavšić, the only female indictee to date, surrendered voluntarily to the Tribunal in January 2001. The Trial Chamber was not persuaded that Krajišnik's contested applications for provisional release should be granted and he remains in detention awaiting trial.

92. Plavšić pleaded guilty on 2 October 2002. Accordingly, the case against Krajišnik was severed from Plavšić's case on 25 November 2002 and assigned to Trial Chamber I, which scheduled the trial to begin on 12 May 2003.

93. On 14 January 2003, the defence filed an application with the Presiding Judge under rule 15(B) for disqualification of a judge on the ground that the challenged judge had earlier served as co-counsel in a case against a person who was now to be called as a witness in the trial against Krajišnik. The Presiding Judge denied the application on 22 January 2003. Attempts to appeal this decision were ultimately turned down by the Bureau and the Appeals Chamber.

94. In its decision of 28 February 2003, the Trial Chamber decided to take judicial notice of approximately 500 adjudicated facts and reduced the number of viva voce witnesses at trial from 117 to 101 and the number of witness statements under rule 92 *bis* from 178 to 168.

95. On 2 May 2003, 10 days before the scheduled beginning of the trial, the Registrar was compelled to withdraw the defence counsel because he had been disbarred in his home country and therefore no longer fulfilled the criteria for assignment as counsel before the Tribunal. The opening of the trial was therefore postponed until December 2003.

(xii) Limaj, Bala and Musliu

96. This is the first case brought before the Tribunal against persons belonging to the Albanian population in Kosovo for crimes committed against that province's Serbian population. The three accused, Fatmir Limaj, Haradin Bala and Isak Musliu were all members of the Kosovo Liberation Army and were responsible for and served at the Lapušnik Prison Camp in Glogovac in Kosovo. Bala and Musliu were arrested on 17 February 2003 in Kosovo and transferred on the following day to the Tribunal. At their initial appearance on 20 February 2003, Bala pleaded not guilty to four counts and Musliu to three counts of crimes against humanity (imprisonment, cruel treatment, torture and murder), alternatively charged as violations of the laws or customs of war. Limaj was arrested on 18 February 2003 in Slovenia and transferred to the Tribunal on 4 March 2003. He appeared initially on 5 March 2003 and pleaded not guilty to the same counts as those charged against his two co-accused. The case is being heard by Trial Chamber I.

97. Agim Murtezi was also originally indicted in this case and arrested and transferred to The Hague. He was ultimately released because the Trial Chamber determined that he was not the person responsible for the crimes alleged in the indictment.

(xiii) Ljubičić

98. On 30 November 2001, Pasko Ljubičić pleaded not guilty on all the charges brought against him (crimes against humanity, including persecution, violations of the laws or customs of war) in relation with events that occurred in the Lašva Valley in Central Bosnia between June 1992 and July 1993. The case is being heard by Trial Chamber I.

99. On 2 August 2002, the Trial Chamber denied the accused's motion for provisional release. Following several motions on the form of the indictment, the prosecution amended the indictment in December 2002 (having done so in June

2002 as well). On 20 November 2002, the Chamber denied the defence's request for translation of all documents in the case from English or French into Bosnian/Croatian/Serbian. On 23 January 2003, the Trial Chamber issued a decision establishing the scope of the facts that could be established through judicial notice.

100. During the reporting period, the Chamber held three status conferences and five meetings with the parties under rule 65 *ter* have been convened. The Chamber has received the parties' pre-trial briefs in June and July 2003, respectively, and the case is thus ready for the pre-trial conference.

(xiv) Martić

101. On 15 May 2002, Milan Martić, a political leader in the Serbian Krajina in Croatia, was transferred to the Tribunal. On 21 May, he pleaded not guilty to the 19 charges of violations of the laws or customs of war and crimes against humanity brought against him for an attack on Zagreb on 2 and 3 May 1995 and for crimes committed in the Krajina.

102. On 10 October, Trial Chamber I denied Martić's motion for provisional release. His preliminary motions against the form of the indictment triggered several amendments of the indictment, which was finally approved by the Chamber on 30 May 2003.

(xv) Milošević

103. Slobodan Milošević was charged, originally in three indictments, alternatively as a commander and participant in a joint criminal enterprise for the commission of offences said to have been committed in Croatia, Bosnia and Herzegovina, and Kosovo, including crimes against humanity, violations of the laws or customs of war and, in respect of the Bosnian Muslim population of Bosnia and Herzegovina, genocide. By order of the Appeals Chamber on 1 February 2002, all three indictments are to be heard in one trial.

104. The trial of Slobodan Milošević commenced before Trial Chamber III on 12 February 2002. The prosecution case concerning crimes alleged with respect to Kosovo was largely concluded shortly before the commencement of this reporting period.

105. On 25 July 2002, the Trial Chamber held a conference under rule 73 *bis* to determine the scope of the prosecution case for the Croatia and Bosnia and Herzegovina parts of the case. The prosecution was ordered to limit the number of witnesses attending to 177 (71 witnesses in relation to the Croatia part of the case and 106 in relation to the Bosnia and Herzegovina part of the case); it was to make use of rule 92 *bis* (permitting the admission of written evidence of witnesses in lieu of live testimony in certain circumstances), and, if circumstances altered, it could apply under the Rules for variation of the order.

106. The Trial Chamber requested the prosecution, as far as possible, to treat the Croatia and Bosnia and Herzegovina phases of the trial separately so as to make the proceedings more comprehensible. Opening arguments on these parts of the case were heard on 26 and 27 September 2002, and on 27 September the prosecution commenced the presentation of evidence in the Croatia phase of the case. Since that time 116 witnesses have testified for the prosecution, and 233 statements or transcripts of witness testimony have been admitted under rule 92 *bis*. The Trial

Chamber ordered the prosecution to finish its case by 16 May 2003, an extension (given for time lost due to illness of the accused) of its previous order imposing a deadline of 10 April 2003. Despite being allowed an additional 54 days for time lost due to the accused's ill health, the prosecution applied on 16 April 2003 for a complete removal of the deadline, arguing that it had remained within the allowance of live witnesses and should not in the circumstances of this case have to comply with time restrictions. On 20 May 2003 the Trial Chamber issued an oral ruling rejecting the prosecution's argument that the case should be allowed to proceed for as long as it takes to hear the testimony of all the witnesses it has indicated it wishes to call, stating that the trial would become excessively long and oppressive to all concerned. The Trial Chamber did, however, allow the prosecution an additional 100 days from the 16 May deadline in which to finish its case.

107. In addition to the trial proceedings themselves, this case has generated a number of ancillary proceedings, including applications for a binding order to the Federal Republic of Yugoslavia, and a number of contempt proceedings, arising from alleged breaches of protective orders granted by the Trial Chamber.

108. This is an enormous and complex trial, requiring careful management by the Trial Chamber to ensure that the rights of the (self-represented) accused are fully protected while fulfilling the Tribunal's obligations to the international community — and all parties — that the trial be expeditious. While encouraging the prosecution to make all attempts to expedite and reduce the scope of its case, the Chamber has been cautious in its approach to the admission or presentation of evidence which might prejudice the accused's rights. Therefore, while admitting the testimony of witnesses in written form under the Rules, the Chamber has consistently allowed the accused to cross-examine the witnesses on the content of their statements where any issue raised by testimony gives rise reasonably to an issue the accused has indicated he is contesting.

109. This approach by the Trial Chamber is particularly important as the accused has refused to appoint defence counsel to assist him. The Chamber, having orally ruled on applications by the prosecution to impose defence lawyers against the will of the accused, on 4 April 2003 delivered a reasoned written decision declining such appointment in the circumstances of the case.

110. To assist the Trial Chamber and the accused in the process of defending the broad case against him, the Trial Chamber has ordered the appointment of *amici curiae* to assist it in a number of areas. Three *amici curiae* have been appointed by the Registrar to assist the Chamber in this respect. On 10 October 2002, the Trial Chamber instructed the Registrar to revoke the appointment of one of them, Michail Wladimiroff, for reasons related to statements he had made to the press about the case. On 22 November 2002, the court appointed Professor Timothy McCormack as *amicus curiae* to assist the Chamber on particular points of international law.

111. A further complicating factor has been the health of the accused. Issues related to this have caused the trial to be adjourned on five occasions and, following specialist advice procured at the order of the Trial Chamber, regular breaks are provided in the trial schedule to give the accused additional time out of court during the trial to recuperate and prepare his defence. In this way, the Trial Chamber is endeavouring to ensure that the trial may be conducted in as expeditious manner as possible, while at the same time protecting the health of the accused.

112. During the reporting period, the Trial Chamber issued 94 written decisions and 207 oral rulings. Leave to appeal was granted by the Trial Chamber in respect of three decisions.

(xvi) Milutinović, Šainović and Ojdanić

113. Milan Milutinović, Nikola Šainović and Dragoljub Ojdanić are charged jointly in relation to the events in Kosovo in the first half of 1999. According to the third amended indictment, all three accused are charged under articles 7(1) and 7(3) of the Statute with deportation, punishable under article 5(d) of the Statute, other inhumane acts (forcible transfer), punishable under article 5(i) of the Statute, murder, punishable under articles 5(a) and 3(1)(a) of the Statute, and persecutions on political, racial and religious grounds.

114. These accused were originally indicted together with Slobodan Milošević. On 5 September 2002, the Trial Chamber rendered its decision on the prosecution's motion to amend the indictment, which resulted in the severance of the case against Slobodan Milošević and the dismissal of the case against Vlajko Stojiković, who committed suicide on 13 April 2002 in Belgrade and whose death certificate was filed on 15 August 2002.

115. The Trial Chamber issued a number of rulings concerning remuneration of defence counsel. On 26 September 2002, Šainović challenged the Registrar's decision of 17 September 2002 requiring Šainović to bear the cost of 1,700 hours of investigative work at the pre-trial stage. On 10 December 2002, the Trial Chamber upheld the decision in part and asked the Registrar to provide additional explanation. On 19 February 2003, the Trial Chamber held that the Registrar should carry out a new assessment of the accused's ability to remunerate counsel. On 16 April 2003, Ojdanić applied to the Trial Chamber for review of the Registrar's decision not to provide additional funds in the pre-trial stage of the proceedings. The Trial Chamber upheld the Registrar's decision and, on 16 July 2003, certified the matter for interlocutory appeal.

116. Milan Milutinović surrendered to the Tribunal on 20 January 2003 and made his initial appearance before Trial Chamber III on 27 January 2003.

117. On 23 January 2003, Milutinović filed a motion for provisional release. Dragoljub Ojdanić and Nikola Šainović filed their second motions for provisional release on 7 and 10 February 2003, respectively. All three motions were denied.

118. On 19 February and 6 May 2003, the Trial Chamber rejected the defence's preliminary motions challenging the jurisdiction of the Tribunal in respect to events in Kosovo and relating to joint criminal enterprises. The Trial Chamber certified both decisions for interlocutory appeal, and submission of the prosecution's pre-trial brief has been postponed until after the Appeals Chamber decides the appeals.

119. An ancillary application by Ojdanić for a binding order for the production of documents by member States of the North Atlantic Treaty Organization (NATO) is also pending before the Trial Chamber.

120. During the reporting period, the Trial Chamber rendered 37 decisions, and Judge Robinson, the pre-trial judge, conducted three status conferences. Seven conferences were convened by the Senior Legal Officer pursuant to rule 65 *ter*.

(xvii) Mrđa

121. Darko Mrđa is charged, as a commander of a special police unit in Prijedor municipality, with two counts of crimes against humanity (extermination and attempted murder as inhumane acts) under article 5 of the Statute and one count of violations of the laws or customs of war (murder) under article 3 of the Statute in relation to the execution of over 200 non-Serb men on Vlasic mountain in the municipality of Skender Vakuf in August 1992. The case is assigned to Trial Chamber II. Judge Schomburg is the pre-trial judge.

122. During a Status Conference on 20 March 2003, the pre-trial judge requested further information from defence counsel about his professional past, as he had served as the Chief Public Prosecutor in the Republika Sprska between March 1998 and March 2002 and may, in that capacity, have been responsible for investigations into war crimes, including those with which his present client is charged. This information did not lead the Registrar to conclude that counsel could not continue to represent the accused.

123. On 15 April 2003, the Trial Chamber denied the accused's request for provisional release. The defence did not appeal this decision. The case was then assigned to Trial Chamber I. Trial was set to begin on 29 July 2003, but Mrđa pleaded guilty on 24 July 2003 pursuant to a plea agreement. A sentencing hearing is scheduled for September 2003.

(xviii) Mrkšić, Radić and Sljivancanin

124. The three accused in this case are charged with crimes against humanity (persecutions, extermination, murder, imprisonment, torture and inhumane acts) and with violations of the laws or customs of war (murder, torture and cruel treatment) for their alleged participation, after the fall of Vukovar, in the removal from Vukovar Hospital of Croats and other non-Serbs, and in the subsequent mass killing of about 255 of them. The case is assigned to Trial Chamber II. Judge Agius is the pre-trial judge.

125. On 15 May 2002, Mile Mrkšić surrendered to the Tribunal. On 1 November 2002, the prosecution was given leave to amend the indictment. Mrkšić filed a motion challenging the form of the indictment on 29 November 2002. On 19 June, the Trial Chamber granted the motion in part and denied it in part.

126. Miroslav Radić had his initial appearance before Judge Agius on 21 May 2003.

127. Vesselin Sljivancanin was transferred into the custody of the Tribunal on 1 July 2003. He had an initial appearance before Judge Agius on 3 July 2003, but because of a dispute over assignment of defence counsel his initial appearance was postponed until 10 July 2003.

(xix) Naletilić and Martinović

128. On 31 March 2003, Trial Chamber I, composed of Judges Liu (presiding), Clark and Diarra, delivered the judgement against Mladen Naletilić and Vinko Martinović. The charges concerned events in Mostar and the surrounding area in Bosnia and Herzegovina during the period April 1993 to January 1994. The Trial Chamber found Naletilić to have been the commander of the "Convicts' Battalion", a so-called special purpose unit attached to the Bosnian Croat Defence Council

forces. The Chamber found him guilty of persecution as a crime against humanity under article 5(h), requiring unlawful labour as a violation of the laws or customs of war under article 3, torture as a crime against humanity under article 5(f), torture as a grave breach of the Geneva Conventions of 1949 under article 2(b), wilfully causing great suffering or serious injury to body or health as a grave breach of the Geneva Conventions of 1949 under article 2(c), unlawful transfer of a civilian as a grave breach of the Geneva Conventions of 1949 under article 2(g), wanton destruction not justified by military necessity as a violation of the laws or customs of war under article 3(b), and plunder of public or private property as a violation of the laws or customs of war under article 3(e). He was acquitted of nine charges. The Trial Chamber sentenced him to 20 years in prison.

129. The Trial Chamber found Martinović to have been the commander of a sub-unit of the Convicts' Battalion called the Vinko Škrobo Anti-Terrorist Group. The Chamber found him guilty of persecution as a crime against humanity under article 5(h), inhumane acts as a crime against humanity under article 5(i), inhuman treatment as a grave breach of the Geneva Conventions of 1949 under article 2(b), requiring unlawful labour as a violation of the laws or customs of war under article 3, wilfully causing great suffering or serious injury to body or health as a grave breach of the Geneva Conventions of 1949 under article 2(c), murder as a crime against humanity under article 5(a), wilful killing as a grave breach of the Geneva Conventions of 1949 under article 2(a), unlawful transfer of a civilian as a grave breach of the Geneva Conventions of 1949 under article 2(g), and plunder of public or private property as a violation of the laws or customs of war under article 3(e). He was acquitted of five counts. The Trial Chamber sentenced him to 18 years in prison. The case is currently under appeal.

(xx) (Dragan) Nikolić

130. Dragan Nikolić is charged with eight counts of crimes against humanity (persecutions on political, racial and religious grounds; inhumane acts; murder; torture; and rape) punishable under article 5 of the Statute. According to the indictment, which was last amended on 15 February 2002, the crimes alleged occurred in the Sušica detention camp, located in the Vlasenica municipality in eastern Bosnia and Herzegovina, from early June 1992 until about 30 September 1992. The accused is alleged to have been the commander of the camp during the period covered by the indictment. The case is assigned to Trial Chamber II. The pre-trial judge is Judge Agius.

131. Nikolić was transferred to the Tribunal on 21 April 2000, following his detention by the International Stabilization Force in Bosnia and Herzegovina (SFOR) on or about 20 April 2000. On 17 May 2001, Nikolić filed a motion challenging the jurisdiction of the Tribunal, mainly based upon the alleged illegality of his arrest. On 9 October 2002, the Trial Chamber issued its decision rejecting the motion. The Trial Chamber certified the decision for interlocutory appeal on 17 January 2003. On 5 June, the Appeals Chamber rejected the appeal.

132. Following requests by the prosecution, the Trial Chamber granted pre-trial protective measures to certain prosecution witnesses in decisions dated 22 November 2002, 8 January 2003, and 7 February 2003. In addition, the prosecution filed a motion for the taking of depositions for use at trial on 21 January 2003. The Trial Chamber decided orally during the status conference of 5 March 2003 not to

grant the motion for the time being, without prejudice to the right of the prosecution to present the motion again should the health of any of the concerned witnesses deteriorate.

133. The prosecution filed its pre-trial brief on 3 October 2002, issuing a corrigendum on 1 November 2002 and a revised version on 20 January 2003. The defence filed its pre-trial brief on 29 November 2002. On 25 June 2003, the prosecution filed a motion for leave to amend the second amended indictment, which was granted by the Trial Chamber on 30 June 2003. The trial is scheduled to start on 22 September 2003.

(xxi) Orić

134. On 10 April 2003, SFOR forces arrested Naser Orić in Tuzla, Bosnia and Herzegovina. The accused was transferred to the Tribunal the following day. On 15 April 2003, during his initial appearance before Judge Kwon, the accused pleaded not guilty to the six counts of the indictment.

135. The accused is charged under article 7(1) of the Statute with two counts of violations of the laws or customs of war (articles 3 of the Statute — wanton destruction of cities, towns or villages, not justified by military necessity; plunder of public or private property) and under article 7(3) of the Statute with four counts of violations of the laws or customs of war (article 3 of the Statute — murder; cruel treatment; wanton destruction of cities, towns or villages, not justified by military necessity; plunder of public or private property).

136. Pre-trial preparation has commenced under the supervision of the pre-trial judge, Judge Kwon, and preliminary motions have been filed by the defence. During the reporting period, the Trial Chamber rendered 15 decisions, and two conferences were convened by the Senior Legal Officer pursuant to rule 65 *ter*.

(xxii) Plavšić

137. On 2 October 2002, Trial Chamber III accepted a change of plea from the accused Biljana Plavšić to one of guilty in respect of one charge of persecution. The case was severed from that against Momčilo Krajišnik. The accused, who had been granted provisional release, was required to return to the Tribunal Detention Unit for the sentencing hearings in December 2002 and was then permitted to return to the Federal Republic of Yugoslavia pending the announcement of the sentencing judgement. As a consequence of the change of plea, the Prosecution withdrew all other charges against the accused and sought a sentence in the range of 15-25 years. The defence suggested that, in view of the age of the accused (72), any sentence in excess of her calculated life expectancy of 8.2 years would amount to de facto life imprisonment. The sentencing hearings were held over a period of three days in December 2002, during which the Trial Chamber heard legal argument and nine witnesses were called by the parties.

138. The Trial Chamber handed down its sentencing judgement on 27 February 2003. The accused was sentenced to 11 years of imprisonment. Neither party appealed. On 26 June 2003, the accused was transferred to Sweden to serve her sentence.

(xxiii) Šešelj

139. Vojislav Šešelj surrendered himself to the Tribunal on 24 February 2003. Šešelj is charged with crimes against humanity and violations of the laws or customs of war in an indictment of 14 counts issued on 14 February 2003. The indictment alleges that as president of the Serbian Radical Party, he participated in a plan to forcibly remove a majority of the Croat, Muslim and other non-Serb populations from approximately one third of the territory of the Republic of Croatia, large parts of Bosnia and Herzegovina, and parts of Vojvodina in the Republic of Serbia in order to create a new Serb-dominated state. This case is assigned to Trial Chamber II, with Judge Schomburg as pre-trial judge.

140. The initial appearance of the accused was held on 26 February 2003. He declined to enter a plea and stated that he would enter his plea within 30 days as envisaged under rule 62 (iii). On 10 March 2003, the prosecution filed a confidential motion for non-disclosure of the supporting materials submitted with the indictment. The Trial Chamber rejected the motion on 13 March 2003 so that the accused could be in possession of the supporting material before entering his plea. A further appearance was held on 25 March 2003, during which the accused pleaded not guilty to all the counts of the indictment.

141. At his initial and further appearance and in letters addressed to the Registry, the accused stated that he could only understand and accept documents in the Serbian language. On 6 March 2003, the Trial Chamber issued an order on translation of certain documents into Bosnian/Croatian/Serbian (B/C/S), being satisfied that this was a language that the accused understood. At the further appearance, Judge Schomburg explained in more detail why the Trial Chamber was satisfied that the accused had understood the indictment and could understand B/C/S.

142. Both before and at his initial appearance, Šešelj stated his intention to defend himself. On 28 February 2003, the prosecution filed a motion seeking to have defence counsel appointed. The accused filed his response on 20 March 2003 and at the further appearance reiterated his intention to defend himself. On 9 May 2003, the Trial Chamber rendered its decision on the prosecution's motion and ordered the appointment of "standby counsel" as defined in the decision. The accused did not appeal against this decision, but he did request the assignment of two attorneys from Belgrade to assist him in his defence as legal associates.

(xxiv) Simatović and Stanišić

143. Franko Simatović and Jovica Stanišić were indicted by the Tribunal on 1 May 2003. They were charged under articles 5 and 7(1) of the Statute with four counts of crimes against humanity (persecutions, murder, deportation and inhumane acts — forcible transfer) and under articles 3 and 7(1) of the Statute with one count of violating the laws or customs of war (murder).

144. Simatović, who was being held by the authorities of the Republic of Serbia at the time of his indictment, was transferred to the Tribunal on 1 June 2003. On 2 June 2003, during his initial appearance before Judge Kwon, the accused pleaded not guilty on all the counts. Stanišić was transferred to the Tribunal on 11 June 2003 and entered a plea of not guilty on all counts at his initial appearance on 13 June 2003.

145. Pre-trial preparation has commenced under the supervision of Judge Kwon. During the reporting period, the Trial Chamber rendered 11 decisions, and one conference was convened by the Senior Legal Officer pursuant to rule 65 *ter*.

(xxv) Simić, Tadić and Zarić

146. This case relates to the events which occurred in the municipality of Bosanski Šamac, located in the north-west of Bosnia and Herzegovina, between September 1991 and December 1993, where, the prosecution alleges, a campaign of ethnic cleansing against Bosnian Croat and Bosnian Muslim civilians was organized and implemented by the "Crisis Staff" together with the Fourth Detachment of the National Yugoslav Army and Serb paramilitaries. The fifth amended indictment against Blagoje Simić, Miroslav Tadić and Simo Zarić, dated 30 May 2002, charges them with persecution under article 5(H) of the Statute (count 1), and deportation and unlawful transfer under both articles 2(G) and 5(D) of the Statute (counts 2 and 3). The accused are solely charged on the basis of their alleged direct participation in the offences, pursuant to article 7(1) of the Statute. The bench hearing the case consists of Judges Florence Mumba (presiding), Sharon Williams and Per-Johan Lindholm.

147. The prosecution case, which included 34 witnesses, closed on 30 September 2002. Each of the accused filed a motion for acquittal pursuant to rule 98 *bis*. An oral decision was rendered on 9 October 2002, followed by written reasons on 11 October 2002. The Trial Chamber entered a judgement of acquittal on the aspect of the count 1 charge of a crime against humanity of persecution concerning destruction of property of Bosnian Croat and Muslim civilians and destruction or wilful damage to institutions dedicated to religion.

148. The defence case started on 12 November 2002, with the Trial Chamber hearing two experts called jointly by the defendants. The defence case for Blagoje Simić then commenced on 13 November 2001 with the testimony of the accused himself, which went on for five days. Apart from one witness, the defence case for Blagoje Simić finished by 15 January 2003. Excluding the accused, eight witnesses testified viva voce for the defence. In addition, 14 statements were admitted pursuant to rule 92 *bis*, for 5 of which witnesses were called for additional examination viva voce because their testimony concerned the acts or conduct of the accused.

149. On 11 December 2002, the Trial Chamber ruled that 21 defence witnesses would give evidence in deposition form pursuant to rule 71, and it appointed a presiding officer to that effect. The depositions of 18 witnesses, three witnesses having been withdrawn by the defence, were taken between 4 and 7 February 2003 at the District Court of Belgrade, Serbia.

150. Counsel for Miroslav Tadić made his opening statement on 14 January 2003. The last viva voce witness for this accused was heard on 7 March 2003. Nine viva voce witnesses (as well as the accused) were presented, and 12 statements of witnesses were admitted pursuant to rule 92 *bis*, seven of which were called for examination viva voce. Miroslav Tadić's case closed on 2 April 2003.

151. Counsel for Simo Zarić made his opening statement on 24 February 2003. The evidence presented by his 15 viva voce witnesses concluded on 7 April 2003.

Thirteen statements were admitted under rule 92 *bis*, for six of which the witnesses were called for additional examination in chief and for cross-examination.

152. The evidence of four defence witnesses was heard via video link in Belgrade. The Trial Chamber admitted the reports of five experts, three of whom came before the Trial Chamber. Four defence witnesses were granted protective measures and testified, among others, using a pseudonym. One witness, previously on the witness list of one of the defendants, who was unwilling to come, was summoned by the Trial Chamber.

153. Due to health problems of two of the three remaining accused, the Trial Chamber ordered on several occasions that medical examinations of the accused be conducted. Zarić underwent surgery in April 2003.

154. Closing briefs were submitted by the parties on 9 June 2003, and the closing argument finished on 4 July 2003. The Chamber is now in the process of deliberating.

155. As noted in the previous annual report, Milan Simić, who was originally indicted along with the other three accused, entered into a plea agreement with the prosecution on 13 May 2002. Following entry of convictions on the two counts to which he pleaded guilty, his case was severed from that of his co-accused on 28 May 2002. On 22 July 2002, a sentencing hearing was held, and on 17 October 2002, the Trial Chamber sentenced Milan Simić to five years in prison.

(xxvi) Stakić

156. The trial of Milomir Stakić commenced on 16 April 2002 on the basis of the charges set out in the fourth amended indictment. Stakić is charged with two counts of genocide and complicity in genocide, five counts of crimes against humanity (murder, extermination, deportation, other inhumane acts (forcible transfer) and persecutions) and one count of violating the laws or customs of war (murder). The Chamber was originally composed of Judges Schomburg (presiding) Mohamed Fassi Fihri and Vassylenko.

157. The prosecution concluded its case on 27 September 2002. The defence filed a motion for acquittal pursuant to rule 98 *bis* on 9 October 2002, in which it argued that the accused should be acquitted of all charges. The Trial Chamber's decision was handed down on 31 October 2002. The Trial Chamber granted the motion in part, finding that the charge of instigation in relation to a number of counts was not proven and dismissed that mode of liability accordingly. In addition, certain factual allegations were dismissed by the Trial Chamber proprio motu because it found that there was insufficient evidence to support them. Due to illness, Judge Fassi Fihri had to step down as of 31 October 2002. He was replaced on 1 November 2002 by Judge Carmen Maria Argibay.

158. The defence case commenced on 18 November 2002 and closed on 21 March 2003. The prosecution and defence presented their closing arguments on 11 and 14 April 2002. At the conclusion of closing arguments, the accused, on the basis of a procedure analogous to that set out in rule 84 *bis*, was permitted to give a final statement to the Chamber. His statement was not given under oath, nor was he examined about the contents of his statement. The final post-trial briefs were submitted on 5 May 2003, followed by responses on 12 May 2003.

159. In the prosecution case, the Trial Chamber heard 37 witnesses over a period of 80 sitting days and admitted 19 witness statements pursuant to rule 92 *bis*. The defence case proceeded over a period of 67 sitting days, during which time the Trial Chamber heard 38 witnesses and admitted seven witness statements pursuant to rule 92 *bis*. In addition, the Chamber called six witnesses, proprio motu pursuant to rule 98. A total of 34 witnesses were granted protective measures, which included pseudonyms and facial or voice distortion. Sixteen of the 34 protected witnesses testified in closed session. Six witnesses testified by way of a video link and two gave evidence by way of deposition. A total of 1,448 exhibits were admitted into evidence: 796 for the prosecution, 594 for the defence and 58 as exhibits for the Chamber. Finally, the prosecution called three expert witnesses and the defence called two. In addition, the Trial Chamber ordered the prosecution to appoint a forensic handwriting examiner and a forensic document expert in order to resolve a dispute over the authenticity of certain documents in the case alleged to bear the signature of the accused.

160. Of the many legal and procedural issues that arose during the course of the trial, one merits special attention: the defence motion for a mistrial. This arose out of the disclosure by the prosecution, after the close of its case, of the statements of five individuals who were closely linked to the factual matrix of the case. The defence alleged that the untimely disclosure of this material constituted a violation of the prosecution's obligations under rule 68 and that the accused had suffered incurable prejudice. In an oral ruling on 25 November 2002, the Trial Chamber held that there had been a serious violation of rule 68. However, it found that there had not been a violation of due process or of the right to a fair trial. The Chamber found that the late-disclosed evidence did not give rise to a reasonable probability of a different result. Moreover, it held that the outcome of its recently rendered rule 98 *bis* decision would not have been different had the Chamber been in a position to take into account the late-disclosed material. Accordingly, the motion was dismissed, but not before the Trial Chamber had issued a stern warning to the prosecution to heed its continuing obligations under rule 68. In addition, in an effort to avoid any prejudice, three of the five individuals whose statements were disclosed belatedly were called and heard as Chamber witnesses pursuant to rule 98.

161. On 31 July 2003, the Trial Chamber handed down its judgement. It found Stakić guilty of extermination as a crime against humanity, murder as a violation of the laws or customs of war, murder as a crime against humanity, deportation as a crime against humanity and persecutions as a crime against humanity. It acquitted him of genocide, complicity in genocide and other inhumane acts as a crime against humanity. The Trial Chamber sentenced him to life imprisonment, with a minimum term of 20 years.

(xxvii) Stanković

162. Radovan Stanković was arrested by SFOR on 9 July 2002 and transferred to the Tribunal the following day. The accused's initial appearance took place on 12 July 2002. The case was assigned to Trial Chamber I. Stanković is charged, along with two other accused who are still at large, with crimes against humanity (enslavement and rape) and violations of the laws or customs of war (rape and outrages upon personal dignity) for acts allegedly committed against Muslim women while serving in the paramilitary unit of Pero Elez as a prison guard at the Karaman's house in Miljevina.

(xxviii) Strugar and Jokić

163. Both General Pavle Strugar and Admiral Miodrag Jokić surrendered voluntarily to the Tribunal on 21 October 2001 and 12 November 2001, respectively. They are charged with crimes committed in the operations conducted to "secure control of those of Croatia that were intended for inclusion in the so-called 'Dubrovnik Republic'". The second amended indictment was approved by the Chamber on 28 May 2003 in response to the defence's third preliminary motion against the form of the indictment.

(xxix) Vasiljević

164. Mitar Vasiljević was transferred to the Tribunal on 25 January 2000. According to the indictment, Vasiljević was a member of a paramilitary unit in Višegrad that was responsible for the killing of a significant number of Bosnian Muslim civilians in the period between May 1992 and October 1994. Vasiljević's trial took place before Trial Chamber II from 10 September 2001 to 15 February 2002. The Chamber handed down its judgement on 29 November 2002. It found Vasiljević to have participated in a joint criminal enterprise to murder seven Bosnian Muslim men and convicted him of murder as a violation of the laws or customs of war. The Trial Chamber also found him guilty of persecution as a crime against humanity for the murders of five of the men and the inhumane acts inflicted on the two who escaped and survived. Vasiljević was sentenced to 20 years in prison. He was found not guilty of having participated in the burning alive of about 70 Bosnian Muslim men, women and children. The judgement is currently being appealed.

(b) Contempt

(i) Jovanović

165. On 1 October 2002, Trial Chamber III found that there were sufficient grounds to proceed against Duško Jovanović, director of a media company publishing the Montenegrin newspaper *DAN*, for contempt of court pursuant to rule 77(A)(ii), specifically for allegedly disclosing to the general public the identity of a protected witness in the *Slobodan Milosević* case in knowing violation of an order of a Trial Chamber. The Prosecution filed an indictment against Jovanović on 8 October 2002. By order of the President, the case was assigned to Trial Chamber II on 20 January 2003. On 27 January 2003, Judge Agius found that a prima facie case for contempt had been established and ordered that the indictment be transferred to the authorities of Serbia and Montenegro for service on the accused.

166. The accused received service of the indictment and agreed to cooperate with the Trial Chamber. The process of assignment of defence counsel is under way.

(ii) Maglov

167. On 15 April 2003, Trial Chamber II found that there were sufficient grounds to proceed against Milka Maglov, former defence co-counsel in the *Brđanin* case, for contempt of court pursuant to rules 77(A)(ii) and 77(A)(iv), specifically for allegedly intimidating a witness in that case and disclosing to the general public the identity of that same witness, in knowing violation of an order of a Trial Chamber. On 24 April 2003, the President ordered that this case could be dealt with by the same Chamber before which the contempt allegedly took place. On 8 May 2003, the

Trial Chamber issued an order requesting the Registrar to appoint an amicus curiae to prosecute the case against Maglov.

(iii) Witness K-12

168. On 3 June 2002, witness K-12 in the Milošević trial refused to testify or to give reasons for his unwillingness to testify. The Trial Chamber found witness K-12 to be in contempt and ordered the prosecution to prepare a report on the matter. After holding hearings on 24 June 2002 and 18 November 2002, the Trial Chamber decided to vacate the finding of contempt.

2. Appeals

169. The Appeals Chamber disposed of 36 interlocutory appeals and one appeal from judgement, in the *Mucić et al.* (*Čelebići*) case. It also ruled on three requests for review and two contempt of court matters. Currently there are six interlocutory appeals and seven appeals from judgement pending. Two of the appeals from judgement were filed with the Appeals Chamber during the current reporting period (*Vasiljević* case and *Naletilić* and *Martinović* case). The other five appeals from judgement date from the previous reporting period.

(a) Interlocutory appeals

170. Interlocutory appeals from decisions of Trial Chambers generally arise pursuant to four specific rules: (i) rule 65 on requests for provisional release; (ii) rule 72 on decisions on preliminary motions; (iii) rule 73 on decisions on other motions; and (iv) rule 108 *bis* on state requests for review.

171. Sub-rule 65(D) provides that any Trial Chamber decision under rule 65 on provisional release shall be subject to appeal in cases where leave is granted by a bench of three judges of the Appeals Chamber, upon good cause being shown. Trial Chamber decisions under rule 72 involving a challenge to jurisdiction under sub-rule 72(A)(i) may be appealed to the full Appeals Chamber, provided that a bench of three judges of the Appeals Chamber, pursuant to rule 72(E), decides that the appeal is from a decision on a motion challenging jurisdiction as defined by rule 72(D). Rule 72 provides that appeals from preliminary motions other than those challenging jurisdiction require certification by the Trial Chamber before which the motion has been filed. The Trial Chamber may certify an appeal from its decision if it considers the decision to involve an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and the resolution of which issue by the Appeals Chamber may materially advance the proceedings. Under rule 73, decisions on other motions are without interlocutory appeal save with certification by the Trial Chamber, which may grant certification on the same grounds as provided for in rule 72. Rule 108 *bis* provides that a State directly affected by an interlocutory decision of a Trial Chamber may file a request for review of the decision by the Appeals Chamber if that decision concerns issues of general importance relating to the powers of the Tribunal. Filings before the Appeals Chamber are governed by the Practice Direction on the Length of Briefs and Motions (5 March 2002) and the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the International Tribunal (7 March 2002).

(i) Blagojević and Obrenović

172. On 22 July 2002, Trial Chamber II denied provisional release to Dragan Obrenović and Vidoje Blagojević. On 3 October 2002, following the decision of a bench of the Appeals Chamber granting leave to appeal (issued 2 September 2002 pursuant to rule 65(D)), the Appeals Chamber (judges Shahabuddeen (presiding), Hunt, Güney, Pocar and Meron), gave its decision and found that the Trial Chamber erred in law by finding that guarantees from the Republika Srpska were not admissible. The Appeals Chamber quashed the decisions and directed the Trial Chamber to reconsider the applications taking into account those guarantees.

173. After reconsideration, the Trial Chamber again refused provisional release to both accused, holding that it was not satisfied that if released, the accused would appear for trial. On 16 January 2003, a bench of three judges of the Appeals Chamber (judges Hunt (presiding), Güney and Gunawardana) denied leave to appeal in the case of Obrenović since the alleged error in the impugned decision would not have affected the decision on his provisional release. The bench, however, granted leave to appeal to Blagojević, pursuant to rule 65(D). On 17 February 2003, the Appeals Chamber (judges Hunt (presiding), Güney, Gunawardana, Pocar and Meron) held that the Trial Chamber had failed to take the guarantee of the Republika Srpska into account, and determined that, notwithstanding the validity of that guarantee, it was not satisfied that Blagojević would appear for trial if provisionally released. It therefore denied provisional release.

174. On 21 January 2003, Trial Chamber II requested the prosecution to provide the Trial Chamber with copies of statements of all witnesses whom the Prosecutor intended to call at trial and copies of all exhibits (disclosure materials) prior to commencement of the trial. Upon certification by the Trial Chamber pursuant to rule 73(B), three accused (Jokić, Blagojević and Nikolić) each filed an interlocutory appeal. On 8 April 2003, the Appeals Chamber (judges Pocar (presiding), Jorda, Shahabuddeen, Güney and Gunawardana) dismissed the appeals and ruled that it was within the discretion of the Trial Chamber to receive disclosure materials if it finds it necessary for the fulfilment of its function under the Statute and rules of the Tribunal.

(ii) Bobetko

175. On 17 September 2002, an indictment against Janko Bobetko was confirmed by Judge Liu. On 17 and 20 September 2002, Judge Agius issued warrants of arrest and ordered Croatia, inter alia, to find, arrest and surrender Bobetko to the Tribunal. On 30 September 2002, the Republic of Croatia filed an application to submit an interlocutory appeal against the warrant of arrest and order for surrender. Furthermore, on 4 October 2002, pursuant to rule 108 *bis*, Croatia filed a request for a review of the judge's decision confirming the indictment against Janko Bobetko and the order for his arrest and surrender. These applications were joined. On 29 November 2002, the Appeals Chamber (judges Jorda (presiding), Shahabuddeen, Hunt, Güney and Pocar) rejected the two applications of the Republic of Croatia, finding that rule 108 *bis* was adopted to permit States directly affected by an interlocutory decision to seek a review where it was claimed that an interlocutory decision of a Trial Chamber had affected its legal rights, such as when a State was ordered to produce records from its archives. That provision was not available when a State claimed that its legitimate political interests had been affected or where it

had a genuine concern that the facts alleged in the indictment were not historically accurate. Furthermore, the Appeals Chamber ruled that a State which was ordered to arrest or detain an individual pursuant to article 29(2)(d) of the Statute (cooperation and judicial assistance) had no standing to challenge the merits of the order.

(iii) Brđanin and Talić

176. On 20 June 2002, a bench of the Appeals Chamber (judges Güney (presiding), Gunawardana and Meron) issued a decision rejecting an application by Talić for leave to appeal, pursuant to rule 73, against a decision on the disqualification of Judge Aguis rendered on 3 May 2002. The Appeals Chamber ruled that the applicant had failed to show adequately how the impugned decision would cause incurable prejudice to the applicant's case or that the impugned decision had raised an issue of general importance to proceedings before the Tribunal or in international law generally.

177. The Trial Chamber issued a subpoena pursuant to rule 54 directing a journalist to appear before the Trial Chamber to give evidence. The journalist filed a written submission to set aside the subpoena. On 7 June 2002, the Trial Chamber rejected the journalist's submission, refusing to recognize a testimonial privilege for journalists when no issue of protecting confidential sources was involved. The Trial Chamber granted certification to appeal on 19 June 2002 pursuant to rule 73(B). Thirty-four media companies and associations of journalists jointly filed an amici curiae brief pursuant to rules 74 and 107. On 11 December 2002, the Appeals Chamber (judges Jorda (presiding), Shahabuddeen, Güney, Gunawardana and Meron) issued its decision, allowing the appeal and setting aside the subpoena. The Appeals Chamber stressed the public interest attached to the work of war correspondents and found that subpoenas might be issued to war correspondents only if the petitioning party could demonstrate that the evidence sought was of direct and important value in determining a core issue in the case and that the evidence sought could not reasonably be obtained elsewhere.

(iv) Galić

178. On 8 November 2002, Judge Orie confirmed an indictment against Ratko Mladić which named Stanislav Galić as a member of a joint criminal enterprise with Mladić. On 23 January 2003, Galić sought the disqualification and withdrawal of Judge Orie from his trial pursuant to rule 15, arguing that Judge Orie could not be impartial because he had found that a prima facie case existed against Mladić. On 3 February 2003, Judge Liu, Presiding Judge of Trial Chamber I, dismissed the application on the grounds that Galić had failed to appreciate the fundamental difference between the functions of a judge who confirmed an indictment and a judge who sat at trial. On 10 February 2003, pursuant to rule 73(B), Galić applied for certification to appeal from Judge Liu's decision. On 26 February 2003, Trial Chamber I referred the matter to the Appeals Chamber pursuant to rule 54. The Appeals Chamber (judges Meron (presiding), Pocar, Shahabuddeen, Hunt and Güney) issued a decision on 13 March 2003, finding that there was no appeal available from a decision of a presiding judge pursuant to rule 15(B). The Appeals Chamber referred the application to the Bureau to consider Galić's challenge to Judge Liu's decision.

(v) Gruban

179. On 20 September 2002, Trial Chamber III issued a decision denying Gruban's request to vary the conditions of his provisional release. On 6 November 2002, a bench of three judges (judges Meron (presiding), Gunawardana and Pocar), pursuant to rule 65(D), rejected the application for leave to appeal.

(vi) Hadzihasanović

180. On 2 August 2002, co-accused Enver Hadzihasanović and Amir Kubura applied for leave to appeal, pursuant to rule 65(D), the decision on a motion to change the terms of their respective provisional releases. A bench of three judges (judges Pocar (presiding), Güney and Gunawardana) denied leave to appeal on 5 September 2002.

181. On 27 November 2002, pursuant to rule 72(B)(i), the accused filed a joint interlocutory appeal challenging the jurisdiction of the Tribunal. On 21 February 2003, a bench of three judges (judges Hunt (presiding), Güney and Pocar) decided pursuant to rule 72(E) that the appeal was from a decision on a motion challenging jurisdiction. The accused argued that the doctrine of command responsibility was not applicable in internal armed conflicts and that the duty to punish did not extend to crimes committed prior to the assumption of command.

182. On 16 July 2003, the Appeals Chamber (judges Meron (presiding), Pocar, Shahabuddeen, Hunt and Güney) issued its decision. The appeal was dismissed insofar as it related to the responsibility of a superior for the acts of his subordinates in the course of a non-international armed conflict, on the grounds that command responsibility was at all times material to this case a part of customary international law applicable in such conflicts. A majority of the Appeals Chamber (judges Shahabuddeen and Hunt dissenting) allowed the appeal in respect of the command responsibility of the accused for acts committed by his subordinates prior to his becoming a superior. The Appeals Chamber held that an accused could not be charged under article 7(3) of the Statute for crimes committed by a subordinate before the said accused assumed command over that subordinate. The Appeals Chamber explained that the Tribunal could impose criminal liability only if the crime charged was clearly established under customary law at the time the events at issue occurred.

(vii) Ljubičić

183. On 2 August 2002, Trial Chamber I rendered a decision rejecting an application by Pasko Ljubičić for provisional release. Pursuant to rule 65(D), the accused filed an application for leave to appeal. A bench of three judges (judges Jorda (presiding), Güney and Gunawardana) rejected the application on 16 September 2002. The Appeals Chamber stated that the applicant failed to demonstrate how the Trial Chamber erred in assessing the criteria set out in rule 65(B).

(viii) Martić

184. On 10 October 2002, Trial Chamber I rendered a decision denying Milan Martić's motion for provisional release. On 18 November 2002, pursuant to rule

65(D), a bench of three judges (judges Meron (presiding), Shahabuddeen and Güney) dismissed the application for leave to appeal.

(ix) Milošević

185. On 30 May 2002, Trial Chamber III rejected the admission into evidence of a summary of witness statements and other material submitted by the prosecutor related to events alleged to have taken place in Račak. On 27 June 2002, the prosecution appealed the decision, pursuant to certification granted by the Trial Chamber in accordance with rule 73(B). The Appeals Chamber (judges Shahabuddeen (presiding), Hunt, Güney, Pocar and Meron) issued its decision on 30 September 2002 dismissing the appeal. The Appeals Chamber stated that the substantial issue in the appeal concerned the admissibility of the summary prepared by the prosecution's investigator as hearsay evidence of written statements given to prosecution investigators by prospective witnesses. The Appeals Chamber concluded that a party cannot be permitted to tender such material under rule 89(C) in order to avoid the stringency of rule 92 *bis* and that rule 92 *bis* is the lex specialis which takes the admissibility of such written statements of prospective witnesses and transcript evidence out of the scope of the lex generalis in rule 89(C).

186. On 25 July 2002, Trial Chamber III issued a decision holding that rule 70 (regulating information not subject to disclosure) did not apply to the evidence that was to be given by a certain witness. On 8 August 2002, pursuant to rule 108 *bis*, a Government (the name of which cannot be disclosed for reasons of confidentiality) filed a request for review by the Appeals Chamber alleging that it should have been heard by the Trial Chamber prior to the issuance of the impugned decision and that the Trial Chamber had erred in deciding that rule 70 did not apply to the witness. On 4 September 2002, the prosecution filed an interlocutory appeal against the impugned decision, under rule 73, submitting that the Trial Chamber had erred in concluding that it had the authority to review whether rule 70 applied to the evidence of the witness. On 6 September 2002, the Appeals Chamber issued an order joining the interlocutory appeal and the request for review, and suspended execution of the impugned decision. On 23 October 2002, the Appeals Chamber (judges Shahabuddeen (presiding), Hunt, Güney, Pocar and Meron) issued its decision granting the request for review and allowing the interlocutory appeal. The Appeals Chamber was satisfied that rule 70 applied to the information to be given by the witness. It ordered that the evidence be heard in accordance with rule 70(B)-(G) and that two representatives of the Government concerned could be present in the courtroom during the testimony. The Appeals Chamber found that the Trial Chamber had correctly established that it had the power to determine whether the evidence of the witness fell within the terms of rule 70 but had erred in the test it applied. The correct test, as set out by the Appeals Chamber, extended to an examination of whether the information was in fact provided on a confidential basis, bearing in mind that the providing of information might not be confined to a single act but might consist of several acts. In case of doubt as to whether the information was provided confidentially, the Trial Chamber should invite the party that provided the information to supply further assistance in the resolution of such an issue.

187. Two further interlocutory appeals brought by the prosecution are pending. One concerns a decision on the admission of evidence-in-chief of prosecution witnesses in writing. The other concerns judicial notice. Both appeals are filed pursuant to rule

73. The first appeal was filed on 13 May 2003. The second appeal was filed on 22 May.

(x) Milutinović, Šainović and Ojdanić

188. Pursuant to leave to appeal granted by a bench of the Appeals Chamber under rule 65(D), the prosecution appealed the Trial Chamber III decision granting provisional release to Šainović and Ojdanić. In its decision of 30 October 2002, the Appeals Chamber (judges Shahabuddeen (presiding), Hunt, Güney, Pocar and Meron) allowed the prosecution's appeal, quashed the impugned decision and denied provisional release. The Appeals Chamber expressed the view that the Trial Chamber did not take into account all the factors that were relevant when a Trial Chamber was deciding whether it was satisfied that an accused would appear for trial. In particular, the Trial Chamber failed to consider the effect of the senior position of the two co-accused insofar as it relied upon the guarantees given by Governments. The Appeals Chamber disagreed with the finding of the Trial Chamber that the surrenders of the accused were voluntary. The Trial Chamber had not referred to public statements made by the two accused to the media. Taking into account all the relevant factors itself, the Appeals Chamber was not satisfied that, if released, the two co-accused would appear for trial.

189. On 11 November 2002, Ojdanić filed a motion for modification of the decision on provisional release (see above) and a motion to admit additional evidence. By a decision of 12 December 2002, the Appeals Chamber (judges Shahabuddeen (presiding), Hunt, Güney, Pocar and Meron) denied the motions, rejecting the applicant's argument that he had had insufficient time to collect the additional materials before the initial hearing.

190. On 13 February 2003, Trial Chamber III rendered a decision dismissing Ojdanić's motion to dismiss the indictment for lack of jurisdiction in relation to charges based on his liability as a participant in a joint criminal enterprise. On 25 March 2003, pursuant to rules 72(B)(i) and 72(E), a bench of the Appeals Chamber declared Ojdanić's appeal valid. The appellant argued that joint criminal enterprise liability did not come within the Tribunal's jurisdiction and would infringe the principle of nullum crimen sine lege. In its decision of 21 May 2003, the Appeals Chamber (judges Shahabuddeen (presiding), Pocar, Jorda, Hunt and Gunawardana) dismissed the appeal and confirmed its holding in the *Tadić* case that the principle of joint criminal enterprise was provided for in the Statute and that it existed in customary international law. Furthermore, the Appeals Chamber stated that it did not view the concept of joint criminal enterprise as a separate offence in itself but as a mode of committing one of the offences described in articles 2 to 5 of the Statute.

191. On 6 May 2003, Trial Chamber III issued a decision dismissing Milutinović's motion challenging the jurisdiction of the Tribunal. Milutinović argued that at the time of the adoption of the Statute of the Tribunal and at the time of the events charged in the indictment, the Federal Republic of Yugoslavia was not a member of the United Nations. On 13 May 2003, he filed an appeal. On 19 May 2003, the briefing schedule for the appeal was suspended by a bench of three judges of the Appeals Chamber as the appellant no longer had legal representation, which was an issue pending before Trial Chamber III. The appeal was adjourned pending the decision of the Trial Chamber on this matter.

192. On 5 June 2003, Šainović filed an application to the Appeals Chamber for leave to appeal the Trial Chamber III decision of 29 May 2003 rejecting his application for provisional release. On 26 June 2003, a bench of three judges of the Appeals Chamber (judges Pocar (presiding), Shahabuddeen and Güney) refused Šainović leave to appeal on the ground that he had not shown good cause within the meaning of rule 65(D).

193. On 5 June 2003, Odjanić filed an application to the Appeals Chamber for leave to appeal the Trial Chamber III decision of 29 May 2003 rejecting his application for provisional release. On 27 June 2003, a bench of three judges of the Appeals Chamber (judges Pocar (presiding), Shahabuddeen, Güney) refused Odjanić leave to appeal on the ground that he had not shown good cause within the meaning of rule 65(D).

194. On 10 June 2003, Milutinović confidentially filed an application for leave to appeal the Trial Chamber's decision rejecting his application for provisional release. On 3 July 2003, a bench of three judges of the Appeals Chamber (judges Pocar (presiding), Shahabudeen, Güney) refused Milutinović leave to appeal on the ground that he had not shown good cause within the meaning of rule 65(D) of the Rules.

195. On 23 July 2003, Odjanić appealed pursuant to rule 73 of the Trial Chamber III decision denying a defence motion for additional funds for the defence team. The appeal is currently pending before the Appeals Chamber (judges Weinberg de Roca (presiding), Pocar, Shahabuddeen, Hunt and Güney).

(xi) Mrkšić

196. On 26 August 2002, pursuant to rule 65(D), a bench of the Appeals Chamber (judges Meron (presiding), Güney and Gunawardana) granted Mile Mrkšić leave to appeal the Trial Chamber II decision on provisional release rendered on 24 July 2002. The Appeals Chamber (judges Shahabuddeen (presiding), Hunt, Güney, Pocar and Meron) dismissed the appeal in its decision of 8 October 2002, finding that the reliability of guarantees given by an authority with regard to provisional release must be determined not by reference to any assessment of the level of cooperation by that authority with the Tribunal generally but in relation to what would happen if that authority were obliged under its guarantees to arrest the particular accused in question.

197. On 4 June 2003, Mrkšić appealed the Trial Chamber II decision of 7 May 2003 dismissing a defence motion seeking precise rules governing communication between the parties and prospective witnesses of the opposing party. On 30 July 2003, the Appeals Chamber (judges Meron (presiding), Pocar, Shahabuddeen, Güney, Weinberg de Roca) dismissed the appeal. In upholding the Trial Chamber's decision, the Appeals Chamber stated that the mere fact that the person had agreed to testify for the defence did not preclude the prosecution from interviewing him provided that there was no interference with the course of justice.

(xii) Nikolić

198. On 9 October 2002, Trial Chamber II rendered a decision dismissing a defence motion challenging the jurisdiction of the Tribunal on the basis that he was abducted illegally. The accused filed a notice of appeal from this decision pursuant to rule 108. In its decision of 9 January 2003, the Appeals Chamber (judges Meron

(presiding), Shahabuddeen, Güney, Gunawardana and Pocar) found that rule 108 only applied to appeals from final judgement and that it could not provide a basis for appeal from a Trial Chamber's interlocutory decision. Furthermore, it found that the appellant should have filed his original motion before the Trial Chamber under rule 73.

199. On 27 January 2003, pursuant to rule 73, Nikolić filed an appeal from the Trial Chamber II decision of 9 October 2002 dismissing his motion challenging the jurisdiction of the Tribunal based on the illegality of his arrest. In its decision of 5 June 2003, the Appeals Chamber (judges Meron (presiding), Pocar, Shahabuddeen, Güney and El Mahdi) dismissed the appeal, holding that in cases involving universally condemned offences, such as genocide, crimes against humanity and war crimes, jurisdiction should not be set aside on the grounds of a possible violation of State sovereignty or on the grounds of a violation of human rights during the process of the arrest unless the violation was egregious. It agreed with the Trial Chamber that the circumstances of Nikolić's arrest did not involve an egregious violation.

(xiii) Šešelj

200. Vojislav Šešelj sent a letter to the Appeals Chamber, the English version of which was filed on 9 April 2003. In it he raised a number of issues which had not first been raised before the relevant Trial Chamber. Following consultation with the Appeals Chamber, the senior legal officer of the Appeals Chamber informed the accused that these were not matters that could be brought before the Appeals Chamber in their current form.

201. Šešelj sent a second letter to the Appeals Chamber dated 26 May 2003, in which he raised a number of issues. On 26 June 2003, the senior legal officer of the Appeals Chamber wrote to Šešelj and informed him that his letter of 26 May 2003 could not be directly submitted to the Appeals Chamber since it did not fall under any rule governing appeals or comply with the requirements of the Practice Direction on Procedure for Filing of Written Submissions in Appeal Proceedings before the International Tribunal of 7 March 2003 (IT/155/Rev.1) or the Practice Direction on the Length of Briefs and Motions of 5 March 2002 (IT/184/Rev.1).

202. Šešelj sent a letter to the President of the International Tribunal dated 2 June 2003, in which he raised a number of issues. On 26 June 2003, the senior legal officer of the Appeals Chamber wrote to Šešelj and informed him that the matters he raised had been dealt with by the decision of the Bureau dated 10 June 2003.

(xiv) Simić

203. Pursuant to certification granted by the Trial Chamber pursuant to rule 73(B), the prosecution appealed the Trial Chamber II oral decision of 2 April 2003 and written decision of 28 April 2003 relating to the cross-examination of defence witnesses when the evidence-in-chief had been presented partly as a written statement admitted under rule 92 *bis* and partly as viva voce testimony. Pursuant to another certification granted by the Trial Chamber pursuant to rule 73(B), the prosecution also appealed the Trial Chamber II oral decision of 15 April 2003 and written decision of 2 May 2003 relating to whether a part of a statement not admitted under rule 92 *bis* could be shown to a witness to refresh his memory. The Appeals Chamber (judges Meron (presiding), Pocar, Schomburg, Shahabuddeen and Güney) rendered its decision on 23 May 2003, granting both appeals and quashing

the impugned decisions. In the first appeal, the Appeals Chamber held that the Trial Chamber erred in law by holding that a party could not cross-examine a witness on apparent inconsistencies between a part of his prior statement, given but not admitted pursuant to rule 92 *bis*, and his viva voce testimony. With regard to the second appeal, the Appeals Chamber found that the Trial Chamber erred in law by holding that a part of a statement given but not admitted pursuant to rule 92 *bis* could not be used for the purpose of refreshing a witness's memory during cross-examination.

(xv) Stakić

204. On 28 June 2002, a bench of three judges of the Appeals Chamber (judges Jorda (presiding), Pocar and Meron) issued a decision rejecting a prosecution motion seeking leave to appeal the Trial Chamber II oral decision of 25 April 2002 ordering an identification parade to be held to test a witness's ability to identify the accused. On 2 May 2002, in another oral decision, the Trial Chamber denied the prosecution's request for certification to appeal. The Appeals Chamber considered that the Trial Chamber's rejection of the motion for certification was appropriate. Therefore, the filing by the prosecution of its application before the Appeals Chamber seeking leave to appeal pursuant to rule 73(D) was considered frivolous within the meaning of rule 46(C) (misconduct of counsel).

205. On 31 July 2002, Trial Chamber II denied a defence motion to exclude from evidence photocopies of papers that were, allegedly, illegally seized from the bag of Milomir Stakić, upon his being taken into custody in the United Nations Detention Unit. Stakić filed an interlocutory appeal pursuant to rule 73(B) on 8 August 2002. The Appeals Chamber (judges Gunawardana (presiding), Shahabuddeen, Güney, Pocar and Meron) decided on 10 October 2002 that the appellant had failed to establish that, in the circumstances of this case, the search and seizure was illegal under the rules of international law. The accused also failed to demonstrate that the admission of the documents would violate the provisions of article 21(4)(g) of the Statute (rights of the accused) or rule 95 (exclusion of certain evidence). For those reasons, the Appeals Chamber dismissed the appeal.

(xvi) Strugar

206. On 21 June 2002, the defence filed an interlocutory appeal pursuant to rule 72(B)(i) from the Trial Chamber I decision rejecting its preliminary motion challenging jurisdiction. On 24 July 2002, a bench of three judges of the Appeals Chamber (judges Shahabuddeen (presiding), Gunawardana and Pocar) decided pursuant to rule 72(E) that the appeal was from a decision on a motion challenging jurisdiction. The appellant argued that the impugned decision had erred in law by finding that certain counts in the indictment were allowed to stand. On 22 November 2002, the Appeals Chamber (judges Pocar (presiding), Shahabuddeen, Hunt, Gunawardana and Meron) rendered its decision dismissing the appeal. The Appeals Chamber affirmed the Trial Chamber decision that the basis for the relevant counts of the indictment founded upon the Additional Protocols to the Geneva Conventions of 1949 was part of customary international law.

(b) Appeals from judgement

207. During the reporting period, two new appeals from final trial chamber judgements were filed — in the *Vasiljević* and *Naletilić/Martinović* cases. There are also five appeals from trial chamber judgements pending from the previous reporting period: *Blaškić*, *Kordić/Čerkez*, *Krnojelac*, *Krstić* and *Kvočka*. One judgement was rendered, in the *Delalić et al.* (*Čelebići*) case, concerning sentencing.

208. During the reporting period, rule 115 has been amended on two occasions with the aim of improving the process by which parties can submit applications for additional evidence before the Appeals Chamber.

(i) Blaškić

209. Tihomir Blaškić filed a notice of appeal on 17 March 2000 from the Trial Chamber's judgement of 2 March 2000. Pursuant to requests by the parties, the briefing schedule was suspended by decisions issued on 19 May 2000 and 26 September 2000 and resumed by a decision issued on 16 October 2001. The appellant's brief was filed on 14 January 2002, the prosecution's respondent's brief on 1 May 2002 and the appellant's brief in reply on 3 June 2002. The composition of the bench was revised on 23 November 2001, following the departure of three judges, and again on 18 June 2003. It now consists of Judges Meron (presiding), Pocar, Hunt, Güney and Weinberg de Roca. Judge Pocar is the pre-appeal judge.

210. Since January 2001, the appellant has filed four motions for the admission of additional evidence on appeal pursuant to rule 115, seeking the admission of voluminous quantities of material. The first rule 115 motion seeks admission of government documents from the Republic of Croatia, including the Croatian Information Service, the Croatian Ministry of Defense, the Office of the President of Croatia, and the Croatian Community of Herceg-Bosna. The evidence sought to be admitted in the second rule 115 motion consists of 13 documents disclosed to the appellant after the Trial Chamber judgement by the prosecution under rule 68; two documents from the Croatian state archives; nine exhibits tendered in another trial; and portions of testimony of 16 witnesses who testified in open session in another trial. In general, the first two additional evidence motions purport to challenge certain conclusions of the Trial Chamber regarding the responsibility of the appellant for crimes committed during April and July 1993 in Ahmići, Stari Vitez, Busovača and Kiseljaks. The contents of the third and fourth motions for additional evidence have not yet been filed in public versions.

211. The Appeals Chamber analysed the additional evidence submitted by the appellant in the first three rule 115 motions and, in an order of 31 October 2002, set out those items which it considered were "clearly admissible". On 21 November 2002, the Appeals Chamber held a hearing during which the parties presented oral argument on whether the clearly admissible evidence justified a new trial by a Trial Chamber on some or all of the counts. The prosecution subsequently filed evidence in rebuttal to the four rule 115 motions. The Appeals Chamber is currently considering the totality of the additional evidence submitted by the appellant and the rebuttal evidence submitted by the prosecution.

212. The Appeals Chamber has been seized of several requests for access to confidential material pursuant to rule 75 by other accused and appellants, particularly from the related Lašva Valley cases.

(ii) Delić et al. (Čelebići)

213. Following a remand from the Appeals Chamber of the initial appeal from judgement, Trial Chamber III delivered a sentencing judgement on 9 October 2001. Hazim Delić, Zdravko Mucić and Esad Landžo filed their notices of appeal on 10 October, and the filing of briefs was completed on 27 March 2002. The Appeals Chamber (judges Meron (presiding), Pocar, Shahabuddeen, Hunt and Gunawardana) heard the oral arguments on 18 June 2002. On 8 April, it handed down its sentencing judgement. It rejected the appeals and confirmed the sentences imposed by the Trial Chamber.

(iii) Kordić and Čerkez

214. The Trial Chamber judgement was delivered by Trial Chamber III on 26 February 2001. Notices of appeal were filed before the Appeals Chamber by all parties to the case: by Kordić and Čerkez on 12 March 2001 and by the prosecution on 13 March 2001. Following a request for an extension of time, Judge Hunt, the pre-appeal judge, ordered that the appellants' briefs be filed on 9 August 2001. The composition of the bench was changed twice by orders of the President, and it now includes Judges Meron (presiding), Pocar, Hunt, Güney and Weinberg de Roca. The filing of briefs in this appeal was completed on 20 October 2001. However, since June 2001, Kordić and Čerkez have filed a number of requests for access to materials in the possession of the authorities of Bosnia and Herzegovina and the prosecution, and to materials in other cases before the Tribunal, in relation to their intention to file rule 115 motions to present additional evidence. This intention was confirmed in their notices filed before the Appeals Chamber on 9 April 2002. On 16 May 2002, the Appeals Chamber granted Kordić and Čerkez access to certain materials. By their filings of 21 June 2002, both Kordić and Čerkez sought further assistance of the Appeals Chamber to have access to additional evidence filed in another appeal. On 16 October 2003, Kordić's supplemental request for access to additional evidence in the *Blaškić* appeal was denied by the Appeals Chamber. On 25 February 2003, Kordić and Čerkez were denied access to materials from Blaškić's third motion for additional evidence by the Appeals Chamber hearing the *Blaškić* appeal. The Prosecution completed its disclosure pursuant to rule 68 on 5 March 2003. Čerkez filed his motion to admit additional evidence on 8 April 2003. Kordić has yet to file any application under rule 115 for additional evidence. On 26 May 2003, Kordić sought access to additional evidence filed in another appeal and Čerkez joined the request on 28 May 2003. Čerkez filed his reply to the prosecution's response to his motion for additional evidence on 6 June 2003.

(iv) Krnojelac

215. The Trial Chamber judgement was rendered on 15 March 2002 by Trial Chamber II. Milorad Krnojelac and the prosecution filed notices of appeal on 5 April and 12 April 2002, respectively. Judge Güney was designated pre-appeal judge by order of 18 March 2003. On 30 March 2003, the Appeals Chamber received a notice from the defence waiving its right to submit a motion for admission of additional evidence pursuant to rule 115. The Appeals Chamber (judges Jorda (presiding), Shahabuddeen, Güney, Schomburg and Aguis (by designation)) heard oral arguments on 14 and 15 May 2003.

(v) Krstić

216. Radislav Krstić filed a notice of appeal on 14 August 2001 from the Trial Chamber judgement of 2 August 2001, and the prosecution filed its notice of appeal on 16 August 2001. The filing of briefs in this appeal was completed on 6 March 2002. The Appeals Chamber (judges Meron (presiding), Pocar, Schomburg, Shahabuddeen and Güney) is currently considering the defence requests for admission of additional evidence that were filed on 10 and 21 January 2003.

(vi) Kvočka

217. Following the delivery of the Trial Chamber judgement on 2 November 2001, Miroslav Kvočka, Mlado Radić, Dragoljub Prcać, Zoran Žigić and Milojica Kos filed their notices of appeal. The filing of the briefs was completed on 13 November 2002. The Appeals Chamber (judges Shahabuddeen (presiding), Pocar, Schomburg, Güney and Weinberg de Roca) is currently in the process of reviewing motions for additional evidence.

218. On 29 July 2002, the appellant Žigić sought a suspension of proceedings in his appeal as he had been informed by the Registry that his legal aid had been withdrawn because he could no longer be considered indigent. The Appeals Chamber, having heard from both Žigić and the Registrar, rendered a decision on 7 February 2003, affirming the decision of the Registrar. By 13 March 2003, the matter was resolved, with Žigić being provided with legal representation on a limited basis for the remainder of his appeal.

(vii) Naletilić and Martinović

219. Mladen Naletilić and Vinko Martinović filed notices of appeal on 29 April 2003 from the Trial Chamber judgement of 31 March 2003. The prosecution filed its notice of appeal on 1 May 2003. The Appeals Chamber (judges Pocar (presiding), Jorda, Shahabuddeen, Hunt and Güney) is currently awaiting the filing of the briefs.

220. On 31 July 2003, Martinović filed a motion for the admission of additional evidence pursuant to rule 115.

(viii) Vasiljević

221. The Trial Chamber judgement was delivered by Trial Chamber II on 29 November 2002. Vasiljević filed his notice of appeal on 30 December 2002. The Appeals Chamber ordered the re-filing of the notice of appeal following a motion by the prosecution alleging defects in the notice of appeal. A new notice of appeal was filed on 12 February 2003. Judge Shahabuddeen was assigned pre-appeal judge on 28 January 2003. The Appeals Chamber (judges Meron (presiding), Jorda, Shahabuddeen, Güney and Weinberg de Roca) is currently awaiting the filing of the briefs.

222. On 24 June 2003, Vasiljević filed a motion for the admission of additional evidence pursuant to rule 115.

(c) Requests for review

223. Review proceedings before the Tribunal are regulated by article 26 of the Statute and rules 119 to 122 of the Rules of Procedure and Evidence. When a new

fact has been discovered which was not known to the moving party at the time of the proceedings before a Trial Chamber or the Appeals Chamber and which could not have been discovered through the exercise of due diligence, the defence or, within one year after the final judgement has been pronounced, the prosecution, may make a motion to the relevant Chamber for review of the judgement. If, at the time of the request for review, any of the judges who constituted the original Chamber are no longer judges of the Tribunal, the President shall appoint a judge or judges in their place.

(i) Tadić

224. On 18 June 2001, following the Appeals Chamber's finding of contempt against his previous defence counsel, Duško Tadić sought a review of his case pursuant to article 26 of the Statute and rule 119. His counsel filed a motion for review on 5 October 2001. The appellant argued that his previous counsel had acted against his interests in the pre-trial and pre-appeal investigations. He stated that the findings in the contempt judgement against his previous counsel constituted new facts which warranted his acquittal. Although acknowledging that the findings reached in the contempt judgement constituted new facts, in its decision of 30 July 2002, the Appeals Chamber (judges Jorda (presiding), Güney, Gunawardana, Pocar and Liu (by designation)), dismissed the request for review because the moving party had not shown that the new facts were not known at the time of the original proceedings or that the lack of discovery was not due to lack of due diligence. Furthermore, the Appeals Chamber stated that, in fairness to the accused, whenever it was presented with a new fact that was of such strength that it could affect the verdict, the Appeals Chamber, in order to prevent a miscarriage of justice, might step in and examine whether or not the new fact would have been a decisive factor even if counsel for the accused knew or could have known about it.

(ii) Kupreškić, Kupreškić, Kupreškić, Josipović and Šantić

225. On 30 July 2002, Drago Josipović filed a motion for review on the basis of the discovery of new facts not known at trial or on appeal. On 7 March 2003, the Appeals Chamber (judges Pocar (presiding), Liu (by designation), Güney, Gunawardana and Meron) dismissed the motion. It stated that the defence had failed to demonstrate that it could not have obtained the proffered material through the exercise of due diligence. Additionally, the Appeals Chamber found that, even if the evidence were admitted it would not have been a decisive factor in affecting the result.

(d) Contempt

226. Rule 77 states that the Tribunal in exercise of its inherent power may hold in contempt those who knowingly and wilfully interfere with its administration of justice. Sub-rule 77(J) provides that any decision rendered by a Trial Chamber under rule 77 shall be subject to appeal. On 12 July 2002, sub-rule 77(K) was added to provide that when the Appeals Chamber issues a decision under rule 77, sitting as a Chamber of first instance, an appeal may be submitted in writing to the President, who will assign five different judges to decide on the appeal.

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227. On 14 June 2002, witness K-12 filed a notice of appeal. On 20 November 2002, K-12's counsel filed a request to withdraw the appeal proceedings pursuant to rules 77(J) and 116 *bis* (expedited appeals procedure) since the matter had been dealt with by the Trial Chamber. In its order of 4 December 2002, the Appeals Chamber (judges Jorda (presiding), Shahabuddeen, Hunt, Pocar and Meron) took note of the notice to withdraw the appeal and stated that the appeal was henceforth null and void.

228. The prosecution filed a notice of appeal pursuant to rule 77(J) against the Trial Chamber's finding in the matter of witness K-12 on 3 December 2002. On 5 February 2003, the prosecution withdrew its notice of appeal. The Appeals Chamber (judges Jorda (presiding), Shahabuddeen, Hunt, Pocar and Meron) took notice of the withdrawal on 25 February 2003.

IV. Activities of the Office of the Prosecutor*

A. Overview

229. The Prosecutor continues to direct her prosecution policy at the highest-level political and military leaders, leaving lower-ranking subordinates to be tried by national courts. In addition, as the first phase of the completion strategy, the Prosecutor aims to complete investigations by the end of 2004. In order to meet this deadline, in October 2002, the Prosecutor undertook a review of all ongoing and pending investigations. Following this review, she determined that priority lists should be drawn up. Priority A would indicate investigations involving the most serious crimes and the highest-level perpetrators and would be completed to the indictment stage by 2004. Priority B would indicate investigations involving lower-level suspects and would be addressed only if there were time and sufficient resources to carry out the work. The A list identified 17 investigations, involving 42 suspects. By July 2003, the A list had been reduced to 13 investigations, involving 35 suspects. Between 1 August 2002 and 31 July 2003, seven new indictments involving 10 suspects had been signed by the Prosecutor and confirmed by a judge, plus one indictment under rule 77 for contempt of the Tribunal. The Prosecutor believes she will complete all the priority A investigations within the stated time frame.

230. Another significant development has been the guilty pleas of Biljana Plavšić in the *Krajisnik/Plavšić* case, of Momir Nikolić and Dragan Obrenović in the *Blagojević et al.* case, of Predrag Banović in the *Banović et al* case, and of Darko Mrjda. Guilty pleas not only confirm the commission of crimes but they also demonstrate remorse and acceptance of responsibility on the part of the accused. In addition, guilty pleas at an early stage save valuable court time because the plea enables the Trial Chamber to avoid the need to conduct a trial. Furthermore, in most instances, appeals do not result from the guilty plea process, thereby saving more court time.

* Section 4 of the present report expresses the views of the Prosecutor and not necessarily those of the President of the Tribunal.

B. Activity of the Prosecutor

1. Trials and appeals

231. The Prosecutor was engaged in pre-trial, trial and appellate work throughout the reporting period. The prosecution conducted seven trials (*Bosanski Samac*, involving three accused following a guilty plea of one accused; *Tuta/Stela*; *Galić*; *Brdjanin*; *Milošević*, *Stakić* and *Blagojević et al.*, with two accused following two guilty pleas). The seven trials involve 11 accused, following three guilty pleas and the death of one accused. As of July 2003, the prosecution was involved in the pre-trial phase of 20 cases: (1) *Krajisnik*; (2) *Nikolić*; (3) *Ademi*; (4) *Hadzihasanović and Kubura*; (5) *Halilović*; (6) *Strugar and Jokić*; (7) Fuštar, Knežević and Gruban; (8) Ljubičić; (9) Ojdanić, Šainović, Milutinović; (10) Martić; (11) Mrkšić, Radić, and Sljivancanin; (12) Mrjda; (13) Češić; (14) Deronjić; (15) Stanković; (16) Limaj, Bala and Musliu; (17) Šešelj; (18) Orić; (19) Simatović and Stanišić; and (20) Rajić. Finally, the Prosecutor was involved in eight post-judgement appeals (Čelebići; Blaškić; Kordić/Čerkez; Krstić; Kvočka et al.; Krnojelic; Vasiljević; Tuta/Stela). Detailed accounts of all cases appear in the Chambers section of the present report.

2. Arrest and surrender of the accused

232. There were 13 accused who surrendered voluntarily or were arrested during the reporting period, although one was released when it was realized there was a mistake of identity. One accused, Fatmir Limaj, was arrested by police in Slovenia on 18 February 2003. Three accused, Haradin Bala, Isak Musliu and Agim Murtezi (he was subsequently released), were arrested by KFOR forces on 3 February 2003. SFOR made one arrest: Nasar Orić on 10 April 2003. Six accused surrendered from Belgrade: Milan Milutinović on 20 January 2003, Vojislav Šešelj on 24 February 2003, Miroslav Radić on 17 May 2003, Franko Simatović on 30 May 2003, Jovica Stanišić on 11 June 2003 and Zelko Meakić on 4 July 2003. One accused, Vesselin Sljivancanin, was arrested by the authorities of Serbia and Montenegro and transferred to the Tribunal on 1 July 2003. Croatian authorities arrested Ivica Rajić, who was transferred to Tribunal custody on 24 June 2003.

233. The Prosecutor has continued her policy of issuing public indictments and of only keeping indictments sealed (non-public) when she is not satisfied that the States responsible for the apprehension of the accused are not in a position to promptly arrest and surrender the accused to the Tribunal. For example, in the case of Deronjić, the indictment was confirmed on 3 July 2002 and kept confidential until his arrest four days later. In that instance, the Prosecutor was not confident that the Republika Srpska would have apprehended the accused on the warrant of arrest issued by the Tribunal. To date, the Republika Srpska has not executed any of the Tribunal's arrest warrants. There are similar patterns in other cases demonstrating a successful strategy.

234. The failure to arrest the two most well-known high-level accused, Radovan Karadzić and Ratko Mladić, continues to be a major concern for the Prosecutor. Repeated appeals to Governments and entities in the region to pursue and arrest them have so far not resulted in success. The arrests of those two fugitives remain the highest priority for the Prosecutor.

3. Investigations

(a) General considerations

235. As mentioned above, the Prosecutor's investigation strategy continues unchanged. A lasting and stable peace in the Balkans will not be achieved until the Tribunal brings to justice the high-level leaders who were responsible for the commission of crimes falling within the Tribunal's jurisdiction. It remains unlikely that the local courts in former Yugoslavia will be in a position to prosecute such high-level leaders for the foreseeable future; consequently, it remains imperative that such leaders be dealt with by the Tribunal.

236. During the reporting period, the Prosecutor sought the deferral, pursuant to rule 9 of the Tribunal's Rules of Procedure and Evidence, of several investigations and prosecutions being conducted by the authorities of the Former Yugoslav Republic of Macedonia in relation to alleged crimes committed in that country during 2001. To be able to complete those investigations, it was necessary for the Prosecutor to seek additional funding. With the support of NATO, several countries donated funds to the Tribunal's Trust Fund to enable the Prosecutor to recruit an additional team to undertake and complete the investigations.

237. All investigative resources are working towards finalizing all remaining investigations, as mentioned above, by the end of 2004.

(b) Indictments

238. During the reporting period, seven indictments, involving 12 accused, were confirmed and were either public at the time of confirmation or have been made public subsequent to the arrest of the accused. The first indictment involving charges against members of the Kosovo Liberation Army was confirmed in January 2003. An indictment against Nasar Orić, a commander of the Army of Bosnia and Herzegovina, was also confirmed during the reporting period. Also of note is the indictment against Vojislav Šešelj, President of the Serb Radical Party. Eight of these indictees are currently in custody in The Hague; one is deceased; two remain fugitives; and one has been released due to mistaken identity.

239. One other indictment for contempt of the Tribunal (pursuant to rule 77) was confirmed in April 2003, against a journalist, Dusko Jovanović.

4. Cooperation

(a) Arrests

240. It has been accepted that the success of the Tribunal in discharging its mandate depends largely on the full cooperation of relevant United Nations Member States, particularly those of former Yugoslavia. The Prosecutor has spent considerable time urging and encouraging Governments to undertake the arrest and transfer of indictees. In that regard, she has consulted regularly with Governments and international institutions inside and outside former Yugoslavia. Unfortunately, overall there has been no significant progress in that respect. The Federal Republic of Yugoslavia (now known as Serbia and Montenegro), apart from assisting with some voluntary surrenders, has failed to act upon most of the outstanding Tribunal arrest warrants. The Republika Srpska in Bosnia and Herzegovina last year again

failed completely to locate and arrest fugitives. And the Republic of Croatia, which had the responsibility to apprehend only one, well known, indicted accused person, allowed that person to abscond following failed negotiations with him to surrender voluntarily to the Tribunal. There is still a significant number of accused persons still at large, including Karadžić, Mladić and Gotovina.

(b) Republic of Croatia

241. Cooperation on the part of the Croatian authorities has continued to improve, although sometimes it has been selective and slow. The Prosecutor remains in direct and regular contact with the Government of Croatia. As a follow up to successful assistance provided by the Government of Croatia regarding three exhumations on behalf of the Office of the Prosecutor during the first half of 2002, one more additional exhumation in December 2002 and further forensic examinations were conducted on behalf of and in response to a request of the Office. Access to different archives and witnesses is improving; however, problems still exist in gaining prompt access to specific documents for the purposes of ongoing investigations. As mentioned above, one accused, Gotovina, remains a fugitive. Furthermore, the Croatian authorities failed to act immediately upon the issuance of the indictment and arrest warrant against the late General Bobetko (neither the arrest warrant nor the indictment were served on the accused), who subsequently died due to poor health. On a positive note, the Croatian authorities were successful in locating and arresting Ivica Rajić in Croatia. He had been indicted by the Tribunal in 1996 and had remained a fugitive having been supplied with several sets of false identity papers. Cooperation between the Office of the Prosecutor and the Office of the State Attorney of Croatia in regard to prosecutions before national courts is progressing well and should continue to develop further.

(c) Serbia and Montenegro (former Federal Republic of Yugoslavia)

242. Cooperation with Serbia and Montenegro is improving but continues to be complex, partial and varied. Cooperation has been affected by the political uncertainties and dramatic developments, such as the assassination of Prime Minister Djindjić in March 2003. There was minimal cooperation at the federal level; however, after the 2002 elections in both republics and the establishment of the new united State of Serbia and Montenegro and its new leadership in February-March 2003, there have been some positive developments.

243. On the positive side, the Law on Cooperation with the Tribunal was amended in accordance with the Statute of the Tribunal. Article 39, prohibiting the surrender of any accused indicted persons by the Tribunal after the passage of the Law, was deleted.

244. The overall assessment, though, is that cooperation is still neither full nor proactive. During the reporting period, three accused were surrendered to the Tribunal, while the list of the fugitives believed to be in the territory of Serbia and Montenegro contains 16 names, including Mladić. Due to the lack of effort to locate and arrest fugitives, in 2002 the Prosecutor requested the President of the Tribunal to report the non-compliance of the Federal Republic of Yugoslavia authorities to the Security Council (the report of the President was submitted in October 2002; the President and the Prosecutor addressed the Security Council in that connection on 29 October 2002).

245. Facing serious difficulties with the production of documents from Serbia and Montenegro and with access to archives and witnesses, the prosecution team in the *Milošević* case, having exhausted all other means, resorted to making an application to the Trial Chamber pursuant to rule 54 bis to request binding orders requiring Serbia and Montenegro to produce relevant documents to the Tribunal. That order was granted on 5 June 2003. Overall, the high number of outstanding requests relating to the most compelling and relevant evidence remains unacceptable and is seriously slowing down important investigations and prosecutions. It remains a serious concern for the Prosecutor that, even after 10 years of the Tribunal's existence and all the democratic changes that have occurred in Serbia and Montenegro and in the region, the authorities of this country still put into question or limit the Prosecutor's right to have full, unimpeded access to the relevant evidence.

(d) Bosnia and Herzegovina — Republika Srpska

246. The cooperation of the Federation of Bosnia and Herzegovina remains satisfactory, and cooperation with the Republika Srpska has improved to some extent in regard to access to documents (archives) and witnesses. However, there has been no sign of any positive development regarding efforts to locate and arrest fugitives, which is a major obstacle to full cooperation, in particular in relation to Karadžić. Office of the Prosecutor investigators and prosecutors are being granted access to high-level witnesses in the Republika Srpska, namely former military and police personnel, as well as other witnesses. There is still much room for improvement at all levels of cooperation generally, especially in regard to the Republika Srpska military.

(e) The former Yugoslav Republic of Macedonia

247. Following the decision of the Prosecutor to rely on the Tribunal's primacy regarding the investigation of allegations of war crimes committed between the Macedonian security forces and organized Albanian rebel groups during 2001, she opened two investigations involving perpetrators on both sides of the conflict. The form of the Tribunal's exercise of primacy over those cases was contested by the courts of the former Yugoslav Republic of Macedonia and, as a consequence, a deferral hearing was held before a Tribunal Trial Chamber on 25 September 2003 to resolve the issue of primacy. As a result of that hearing, five war crimes cases before the national courts of the former Yugoslav Republic of Macedonia were deferred to the jurisdiction of the ICTY. The judicial authorities of the former Yugoslav Republic of Macedonia fully respected this primacy decision, and have submitted all relevant materials to the Tribunal and have terminated the local proceedings in regard to these cases. The authorities of the former Yugoslav Republic of Macedonia are cooperating with the Office of the Prosecutor in respect to the ongoing investigations, although on occasion they undertake activities affecting the Tribunal investigations without keeping the Office properly or promptly informed.

(f) Assistance in the territory of former Yugoslavia

248. Working relationships with international organizations throughout the territory of former Yugoslavia remain essential to the success of the Prosecutor's mandate. SFOR continues to give valuable support to the Office of the Prosecutor in connection with investigation missions and assists in the execution of search

warrants. SFOR continues to apprehend indictees. KFOR has also given valuable support and assistance to the Prosecutor, including arresting the first Kosovo Albanian indictees and other investigative activities.

249. The Prosecutor continues to enjoy close cooperation with and support from other organizations in the region, in particular the United Nations Mission in Bosnia and Herzegovina (up to January 2003) and the Office of the United Nations High Representative in Bosnia and Herzegovina, the United Nations Interim Administration Mission in Kosovo (UNMIK), and the Organization for Security and Cooperation in Europe (OSCE), NATO and the European Union (EU) mission in the former Yugoslav Republic of Macedonia.

5. Other activity

(a) Universal information system

250. Substantial progress has been made in implementing the universal information system. The objective of the system is to consolidate various databases and streamline processing procedures. The concept has proven its effectiveness through the front-end element of the system, the electronic presentation of exhibits in the courtroom. To date, in two trials exhibits were digitized and presented in the courtroom on desktop monitors. It is estimated that the use of this technology will save about 20 per cent of courtroom time, replacing the lengthy manual presentation of exhibits.

251. The use of a computerized case management system in trial preparation has improved the efficiency of the preparation of evidence by the Office of the Prosecutor. The system effectively links various elements of the prosecution case and enables the prosecutors to extract them in clear and logical fashion. It will also preserve an electronic record of the prosecution case for use by judges in the preparation of their judgements. Electronic disclosure of exculpatory materials to the defence is well under way. The Prosecutor hopes to be able to disclose material in all of her cases within the near future in this manner. Finally, the Office has consolidated the investigation-specific witness databases into a central register, which has improved its witness management and mission capabilities and the transparency of witness contacts.

(b) Rules of the road project

252. In Rome, on 18 February 1996, the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) agreed on measures to strengthen and advance the peace process. The parties agreed that "persons other than those already indicted by the International Tribunal may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant, or indictment that has been reviewed and deemed consistent with international legal standards by the International Tribunal". The Prosecutor agreed to assist the parties in reviewing national prosecution files. No person could be arrested pursuant to a warrant or indictment without the prior expert review of the Tribunal. This is the framework for the rules of the road project, which is funded by voluntary contributions and is managed by the Office of the Prosecutor. The project was almost forced to close down in the first

quarter of 2003 due to lack of funding. Sufficient funding was found to continue the project to the end of the year.

253. During 2002, the rules of the road unit reviewed 192 files involving 1,134 suspects.

(c) Evidence collection

254. The Office of the Prosecutor holds an extensive collection of evidence and related materials. The current holdings number 4.2 million pages (as of the end of June 2003) and over 6,400 video and audio tapes.

V. Activities of the Registry

A. Office of the Registrar

255. The Registry of the Tribunal, under the supervision of the Registrar, Hans Holthuis, continued to perform its core activities by exercising court management functions, providing administrative services to the Chambers and the Office of the Prosecutor, serving as the Tribunal's channel of communication, providing information to the media and the public, administering the legal aid system under which it assigns defence counsel to indigent accused, and supervising the Detention Unit.

1. Immediate Office of the Registrar

256. In addition to the above-mentioned activities, the Registrar, in emphasizing his role as the Tribunal's channel of communication under rule 33 of the Rules of Procedure and Evidence, has contributed to maintaining diplomatic contacts with States and their representatives with a view to ensuring the adoption of the first biennial budget for 2002-2003 as well as the negotiation of agreements of cooperation with the Tribunal, including for the enforcement of sentences and relocation of witnesses, in addition to promoting the Tribunal's ability to secure voluntary contributions to support its extrabudgetary activities.

257. Further to the implementation of the inter-Tribunal (ICTY-ICTR) cooperation project sponsored by the European Commission, the Registrar travelled to Arusha in April 2003. A joint statement of implementation of the project was signed on 4 April 2003 by the Registrars of both Tribunals.

258. In May 2003, the Registrar visited the Tribunal's field office in Kosovo and conducted inter-agency meetings with UNMIK and other international organizations, judges and prosecutors on a range of operational and administrative matters. With regard to the planned referral process as envisaged by the Tribunal's completion strategy, the Registrar informed himself regarding the handling of war crime cases in Kosovo by mixed panels consisting of national and international judges.

2. Registry Advisory Section on Legal and Policy Matters

259. With the endorsement by the Security Council on 23 July 2002 of the Tribunal's completion strategy and its implementation requirements, the need for

legal and policy advice intensified. In view of that and other challenges, the former Registry Legal Advisory Section was enlarged and renamed the Registry Advisory Section on Legal and Policy Matters in November 2002.

260. While the Section maintained its previous functions of interpretation and application of legal instruments regarding status, privileges and immunities of the Tribunal, international agreements with the host country and other States, administrative legal issues, contracts and commercial arrangements, it was also active in the conclusion of enforcement and relocation agreements, advice on the status and development of the legal framework and rules of the Tribunal; coordination of the implementation of the inter-Tribunal (ICTY-ICTR) cooperation project; advice on judicial cooperation with other international tribunals; advice on management strategic questions; and advice and participation in a working group assisting the President and the Office of the United Nations High Representative for Bosnia and Herzegovina in the planning of the special war crimes chamber of the State Court as part of the referral process of the Tribunal's completion strategy.

261. In the light of the Tribunal's completion strategy, the Section drafted a policy paper outlining the general framework and practical implications of the completion strategy for information within the Registry sections. The Section participated in an advisory group organized by the International Bar Association upon an OSCE request and an agreement of the Serbian Ministry of Justice, to review a draft law on organization and jurisdiction of government authorities in prosecuting persons guilty of war crimes. It also commented on the application of the new Criminal Code of Bosnia and Herzegovina in the light of the referral process.

262. The Tribunal continued to encounter certain difficulties with respect to the application and interpretation of its headquarters agreement, specifically in relation to the privileges and immunities that judges and staff members receive in comparison to those working for other international organizations. In that respect, the working group previously established on the relationship between the Tribunal and the host country continued its discussions and expanded its composition, establishing regular meetings with the legal advisers of the International Criminal Court (ICC), the International Court of Justice (ICJ), the Organization for the Prohibition of Chemical Weapons and Eurojust. The Section has maintained regular contact and shared its experience with its counterparts at ICC.

263. On 28 November 2002, Radomir Kovač and Zoran Vuković were transferred to Norway to serve their sentences pursuant to an agreement on the enforcement of sentences concluded on 24 April 1998. On 12 December 2002, Dragoljub Kunarac was transferred to Germany to serve his sentence. The transfer was due to an ad hoc agreement concluded with Germany in November 2002. The first transfer to Italy, the first State to enter into an agreement on the enforcement of sentences, on 6 February 1997, took place on 29 May 2003 with the transfer of Goran Jelisić. The first transfer to Sweden for the enforcement of a sentence took place on 26 June 2003 with the transfer of Biljana Plavšić. Sweden was the fourth State to enter into an agreement on the enforcement of sentences, on 23 February 1999. On 9 July 2003, Hazim Delić and Esad Landžo were transferred to Finland to serve their sentences. On 7 May 1997, Finland had become the second State to enter into an agreement on the enforcement of sentences with the Tribunal.

3. Public Information Services Section

264. The *Milošević* case has continued to dominate the activity of the Public Information Services Section.

265. The allocation of staff has remained stable: the Press Unit (three posts), the Legal Unit (two posts), the Publications and Documentations Unit (three posts) and the Internet Unit (two posts).

266. Following an extensive questionnaire regarding internal communications, further steps were taken to facilitate the availability of information in-house. On 15 July 2003, an online newsletter, *ICTY News*, was launched.

(a) Press Unit

267. Although the unprecedented media pressure that characterized the previous reporting period decreased during the summer of 2002, the Press Unit has continued to achieve wide press coverage of the institutional and judicial activity of the Tribunal. The monthly average for press contacts has stabilized at 5,000, in the form of press releases, weekly press briefings or periodic press conferences, informal and formal interviews with the Tribunal's authorized spokespersons, and interviews organized by the main representatives of the Tribunal (President, judges, Prosecutor, Registrar and their principal staff members).

268. However, such an average does not reflect a major and welcome evolution in the press relations of the Tribunal. The intermittent and selective international press coverage has been further strengthened by the interest and detailed publicity generated through media of all types from the States of former Yugoslavia. Seven journalists representing those media constitute the most active part of the foreign press with permanent representation at the Tribunal.

269. Bringing the work of the Tribunal to Bosnia and Herzegovina, Croatia, and Serbia and Montenegro has been the result, among others, of the outreach programme's efforts to establish an efficient information network in those countries. Accordingly, cooperation between the Public Information Services Section and the outreach programme has added a new component to the Tribunal's institutional development by promoting cooperation not only among the different spokespersons but also by encouraging a common logistics management for the permanent presence of the press at the Tribunal.

(b) Legal Unit

270. The Unit has continued to produce documents whose purpose is to keep all observers up to date on how cases are proceeding in the courtroom. It publishes a weekly summary of the trials in progress; statistical and narrative fact sheets on the indictments and ongoing and upcoming trials; and a weekly bulletin reviewing the past week's hearings and announcing future ones. The documents are distributed as widely as possible in all available formats (paper, fax, e-mail, Internet).

271. The Unit has continued to publish, in both of the Tribunal's working languages, the *Judicial Supplement*, a monthly case-law review summarizing all the judgements and the most important substantive and procedural decisions and orders rendered by the Chambers.

272. At the end of the reporting period, the Section launched a campaign in conjunction with 900 regular subscribers of the *Supplement* and with academic institutions in order to enhance the popularity of its electronic version while reducing production and distribution costs.

(c) Publications and Documentation Unit

273. Requests for copies of official legal documents increased to 6,132. At the same time, the Unit oversaw an increase in the number of educational visits to the Tribunal by student groups and representatives of professional groups (lawyers in training, judges, military etc.). In all, 202 groups numbering 4,908 visitors came to the Tribunal during the reporting period, as compared with 143 groups numbering 3,539 visitors in the period 2001-2002.

274. Publication of the Tribunal's official judicial reports, in association with Kluwer publishing, reached an uncertain phase. The contract between the United Nations and Kluwer reached its final term without immediate expectation of renewal, mainly due to a reorganization of Kluwer's publishing units. However, the two volumes covering 1997 were on the verge of publication. Accordingly, the Section is in the process of evaluating alternatives.

275. Finally, the reporting period was marked by the publication of a new edition of the Tribunal's *Basic Documents* (Statute, Rules of Procedure and Evidence and other texts regarding the Tribunal's functioning), principally for internal distribution.

(d) Internet Unit

276. As continuously enriched and daily updated, the Tribunal's Internet site (www.un.org/icty) has proven to be an essential medium of communication. The site had more than 675,000 hits per month on average (compared with 530,000 hits per month in the previous reporting period). Containing press releases, documents of general information, legal documents, judicial reports, judgements and statistics, the site has allowed the Section to maximize the dissemination of information about the Tribunal's activities in real time. It should be noted that the pages in B/C/S and Albanian generated by the outreach programme have been frequently visited.

277. Together with a non-governmental organization and the outreach programme, the Internet Unit also worked on showing the hearings from all of the Tribunal's cases on the web. This service has remained available in four languages (English, French, B/C/S and Albanian), two of which come with a complete recording of the hearings (English and B/C/S).

4. Outreach programme

278. Recognizing that keeping the people in the States of former Yugoslavia informed about the Tribunal's work is critical to the Tribunal's mission, the outreach programme expanded its activities in the reporting period.

279. The programme maintains offices in Sarajevo (Bosnia and Herzegovina), Zagreb (Croatia), Pristina (Kosovo) and Belgrade (Serbia) that act as the Tribunal's main points of contact with the public in the territories of former Yugoslavia. Their activities are coordinated by a small outreach programme staff in The Hague. In the period under review, the outreach programme expanded its activities to include the former Yugoslav Republic of Macedonia.

280. The outreach programme strives to ensure that the Tribunal's activities are transparent, accessible and intelligible to different communities in former Yugoslavia. Failure to provide basic information not only permits groups hostile to the Tribunal to project negative and inaccurate information about it but militates against the Tribunal's achieving one of its key missions of contributing to the restoration and maintenance of peace in the region.

281. In the reporting period, the outreach programme produced and widely distributed a significant number of key and basic Tribunal documents in B/C/S, Albanian and Macedonian. These included all public indictments, judgements, rules of procedure and evidence, press releases, leaflets etc. Such materials have been made available in print and on both CD-ROMs and videos, as well as being placed on an extensive B/C/S section of the Tribunal's web site managed by the outreach programme. An Albanian language portion of the web site was added by the outreach programme during the reporting period.

282. Further assisting the visibility and transparency of the Tribunal, the outreach programme has, with the technical assistance of the Public Information Services Section and a non-governmental organization, established and maintained the live audio and video broadcast on the Internet of all public Tribunal court sessions. Audiences are able to follow trials in English, French, B/C/S and, in cases relevant to Kosovo, Albanian.

283. Seeking to address damaging negative perceptions in the region of the Tribunal as remote, disconnected and unresponsive, the outreach programme has established close contacts between the Tribunal and regional organizations, developing networks of groups and individuals. It engages local legal communities and non-governmental organizations, victims' associations, truth and reconciliation bodies, and educational institutions. Existing links with international intergovernmental and non-governmental organizations operating in the region have been strengthened to create two-way channels of communication. In that regard, the outreach programme has devised and implemented numerous symposiums, round tables and workshops across the region. Many of those events have the aim of making the work of the Tribunal relevant to the national justice systems in the States of former Yugoslavia. Separately, the outreach programme has arranged for groups of Tribunal judges to travel to the region of former Yugoslavia to meet and discuss issues with fellow legal professionals. Importantly, the outreach programme has also brought persons and groups from the region of former Yugoslavia to the seat of the Tribunal at The Hague in order for them to meet with Tribunal officials and view court proceedings at first hand.

284. As the public profile of outreach programme offices in the region has risen, the number of media enquiries has significantly increased. Outreach programme representatives provide extensive support to the regional media, participating in numerous print, radio and television interviews as well as providing the media with other extensive assistance. A comprehensive monitoring system of regional media has been established and is distributed throughout the Tribunal.

285. The outreach programme plays an important role in the Tribunal's completion strategy. It assists the development of courts in the region capable of prosecuting war crimes fairly. It also tracks developments and reforms in domestic criminal justice systems, especially war crimes cases conducted by national authorities in the region. It will play a central role in organizing training sessions for local

professionals involved in war crimes investigations and prosecutions and in transferring the Tribunal's expertise to judicial institutions in the region.

286. The outreach programme highlights the work of the Tribunal as an agency of reconciliation in south-eastern Europe, playing its part in securing the rule of law for the benefit of all citizens of the region. It continues to oversee information campaigns designed to familiarize social and professional communities in the region, such as government officials, political leaders, judges, prosecutors, defence attorneys and journalists, with the work of the Tribunal. Without those efforts, the legal and social impact of the Tribunal's work would be significantly diminished.

287. Although seen by the Tribunal as a core activity, the outreach programme has been funded exclusively through voluntary contributions since its inception in September 1999. In the period under review, support has been generously provided by the European Union, Norway and the Canadian International Development Agency.

5. Victims and Witnesses Section

288. The Victims and Witnesses Section is a neutral office working to protect, support and meet the logistical needs of all witnesses who appear before the Tribunal, whether called by the prosecution, the defence or the Chambers. The Section, where necessary, provides victims and witnesses with counselling and assistance. It also undertakes to ensure that the safety and security needs of witnesses are met and informs them of the proceedings and their reasonable expectations within those proceedings. The Section makes travel, accommodation, financial and other logistical and administrative arrangements for witnesses and accompanying persons, and maintains close contact with the trial teams regarding all aspects of witnesses' appearances before the Tribunal.

289. During the reporting period, 550 witnesses and accompanying persons travelled to The Hague, predominately from the region of former Yugoslavia. The majority of these witnesses were victim witnesses. To meet the needs of these witnesses, the Section continues to expand its collaboration with Member States and national and international humanitarian services. The requirement for protection services has increased due to both prosecution and defence counsels seeking enhanced protection measures for witnesses before, during and after testimony, which has prompted the Tribunal to continue its negotiations with States regarding the relocation of witnesses.

290. While the Section is funded through the Tribunal's regular budget, it is also supported through generous donations from Member States and the European Commission. During the reporting period, the European Commission contributed to the development of the protection services of the Section. A report by an external expert resulted in the reorganization of the Protection Unit and the introduction of improved practices relating to the relocation and protection of witnesses. Those efforts to enhance protection services are ongoing. The Section field office in Sarajevo, with a staff of three, was supported by donations from Canada and the United Kingdom. Its role is to expand and enhance the services provided to witnesses, particularly those who are especially vulnerable or sensitive. It will be proposed that the Sarajevo field office be included in the Tribunal's main budget for 2004-2005.

291. The Section is headed by a Chief, is made up of the protection, support and operations components and has a total of 41 staff members.

6. Voluntary contributions and Trust Fund activities

292. The General Assembly, in its resolutions 49/242 B and 53/212, invited Member States and other interested parties to make voluntary contributions to the Tribunal, both in cash and in the form of services and supplies acceptable to the Secretary-General. Since 2000, the Voluntary Contributions Committee, chaired by the Registrar and working under the Coordination Council, has coordinated the efforts of the Tribunal's three organs in raising, distributing and evaluating grants.

293. As of 31 July 2003, the Voluntary Fund had received approximately $40 million in cash contributions.

Contributor	*Amount of contribution (US$)*
	108 547
Austria	74 892
Belgium	5 000
Cambodia	2 137 827
Canada	5 000
Chile	4 000
Cyprus	263 715
Denmark	3 113 492
European Commission	332 910
Finland	669 692
Germany	10 000
Greece	12 000
Hungary	121 768
Ireland	7 500
Israel	2 110 244
Italy	4 985
Liechtenstein	263 413
Luxembourg	2 500 000
Malaysia	1 500
Malta	200 000
McArthur Foundation	

Contributor	*Amount of contribution (US$)*
Namibia	500
Netherlands	2 506 621
New Zealand	14 660
Norway	1 339 241
OSCE	24 936
Pakistan	1 000 000
Poland	12 000
Portugal	20 000
Rockefeller Foundation	50 000
Saudi Arabia	300 000
Slovenia	10 000
Spain	13 725
Sweden	461 626
Switzerland	1 062 691
United Kingdom	4 613 241
United States of America	16 910 298
Utrecht University	2 196
Other public contributions	80 647

294. Cash donations of approximately $2.2 million and pledges totalling $650,000 were made during the reporting period.

295. Voluntary contributions have been used for activities supporting prosecution and investigation activities, such as the arrest initiative of the Office of the Prosecutor, military analysis, operations in Kosovo, investigations in the former Yugoslav Republic of Macedonia and the review of cases through the rules of the road project.

296. In addition to the reviewing case files for appropriateness of prosecution, the rules of the road project began compiling a comprehensive database containing the names, personal data and allegations against suspects named by the Bosnia and Herzegovina prosecuting authorities. This information is being used by the Office of the United Nations High Representative for Bosnia and Herzegovina in its assessment of applicants for positions of authority, such as police and members of the judiciary in Bosnia and Herzegovina. This database will uniquely provide an overview of the criminal acts allegedly committed in Bosnia and Herzegovina

between 1992 and 1995. As of 30 June 2003, expenditures of approximately $476,900 were recorded.

297. During the reporting period, the investigative team for Kosovo continued to be supported, and its outputs have been used during trial activities. The project will be completed in 2003. As of 30 June 2003, expenditures of approximately $1,847,200 were recorded.

298. Contributions were requested from NATO member States to support the investigations project for the former Yugoslav Republic of Macedonia. Funds have been used to hire an investigative team and will support investigative missions, short-term forensic examination, testing and travel for investigative missions to the former Yugoslav Republic of Macedonia. As of 30 June 2003, expenditures of approximately $325,800 were recorded.

299. The following activities of the Office of the Prosecutor also received support: the Evidence Unit backlog project, the negative scanning backlog project, the translation backlog project and the trial support projects. As of 30 June 2003, expenditures of approximately $2,320,300 were recorded.

300. Contributions also assisted with the establishment of a team to investigate secondary mass grave sites with the Bosnian Commission. The project will be completed at the end of 2003. As of 30 June 2003, expenditures of approximately $146,500 were recorded.

301. Contributions for the Victims and Witnesses Section enhanced the set up and maintenance of a liaison office in Sarajevo to provide easier and expanded access of victims and witnesses to protection and support services before and after testifying at the Tribunal. Voluntary contributions also made possible a comprehensive evaluation of the victims and witnesses protection programme. As of 30 June 2003, expenditures of approximately $390,000 were recorded.

302. Contributions also assisted the outreach programme to expand upon its work within the region of former Yugoslavia. As of 30 June 2003, expenditures of approximately $1,106,400 were recorded.

303. The European Commission continued its support of the Tribunal's Library, enabling it to expand the research materials available to Tribunal staff. The Library also hired one person on a short-term basis to instruct staff in the use of online databases. As of 30 June 2003, expenditures of approximately $177,800 were recorded.

304. The inter-Tribunal (ICTY-ICTR) cooperation project and other projects financed by the European Commission (on advocacy training, satellite link support, and victim and witness regional support development) continued to be supported. As of 30 June 2003, expenditures of approximately $104,000 were recorded.

305. Other activities supported with voluntary contributions included the continued employment of one person to investigate demographic changes in Bosnia and Herzegovina; a military analyst to provide additional support to the Prosecutor in the analysis of military documents; a political officer to provide additional support to the Prosecutor to persuade Governments to arrest persons indicted for war crimes; an orientation and training programme to familiarize defence counsel with the Tribunal's rules; and other administrative activities. As of 30 June 2003, expenditures of approximately $1,414,500 were recorded.

306. A total of 18 temporary posts (2 Professional and 16 General Service) were approved under the special account for programme support costs for 2002-2003. Those posts were allocated to the following administrative support sections of the Registry: one P-3 Trust Fund Coordinator in the Office of the Chief Administration Officer, one P-2 Associate Finance Officer in the Payroll Unit, four General Service staff in the Finance Section, five General Service staff in the Human Resources Section, three General Service staff in the General Services Section, two General Service staff in the Information Technology Support Section, and two General Service staff in the Procurement Unit. As of 30 June 2003, expenditures of $1,110,000 were recorded.

B. Judicial Support Division

1. Court Management and Support Services Section

307. The Court Management and Support Services Section is primarily responsible for the coordination and implementation of the preparatory and organizational judicial support tasks for the conduct of courtroom hearings. The responsibilities of the Section include: coordinating the schedules and use of courtroom facilities; implementing judicial decisions and orders; drafting the court-related decisions and submissions of the Registrar; filing, indexing and distributing all case documents; managing the (release of) transcripts of all hearings; arranging and setting priorities for interpretation and translation; maintaining and updating the calendar of scheduled hearings; handling and maintaining original courtroom exhibits; preparing procedural minutes; registering and retaining custody of briefs, motions, orders, decisions, judgements, and sentences; maintaining the Tribunal's record book; and storing judicial documents.

308. The tasks are carried out by the three Units within the Section: the Court Unit (court officers, court records assistants and courtroom clerks); the Transcript Unit (text-processing clerks); and the Judicial Archives Unit.

309. The workload of the Section has continued to grow as a result of the addition of ad litem judges and the introduction of morning and evening shifts sufficient to allow six trials (rather than three) to proceed simultaneously. The reporting period was the first full year in which the Tribunal had this capability. Given uncertainties inherent in scheduling, unexpected recesses or delays, illnesses etc., it is difficult to achieve full courtroom utilization throughout the year. It appears that five simultaneous trials, on average, is a more realistic expectation.

310. Pursuant to rule 65 *ter* (D) and (H), the senior legal officers and pre-trial judge have regularly held pre-trial meetings with the parties. The Court Unit is actively involved in the coordination of the scheduling of these pre-trial meetings and assists in providing all facilities required for such meetings.

311. The Section has been responsible for the coordination and implementation of depositions and video links in former Yugoslavia and other States where witnesses reside.

312. During the reporting period, rule 92 *bis*, which governs the admissions of witness statements in lieu of oral testimony, has been extensively used in almost all cases. Court Management Section staff are usually appointed by the Registrar to arrange for the taking of these statements.

313. Great demands have been placed on Section staff to respond to the various practical difficulties that have arisen with the introduction of the electronic filing system. At present, they must maintain files in both hard copy and electronically. The failure of parties to submit documents electronically in every instance also imposes burdens on Section staff, who have had to find ways to scan such documents themselves.

314. The Section has been actively involved in the implementation of the judicial database project, designed to enter all case files into a computer database accessible throughout the Tribunal, and ultimately available on the Internet. The backlog scanning project will be completed by the end of 2003. Already, a preliminary version of the judicial database has been made available to Tribunal staff with the greatest need to keep track of, retrieve and use new files, and it should be made available to the rest of the Tribunal shortly. Although the judicial database project is currently creating significant additional burdens on the Court Management Section, in the long term it promises to greatly enhance the efficiency of operations at the Tribunal.

315. An EU-funded inter-Tribunal cooperation project has fuelled the exchange of information between the Court Management Sections of ICTR and ICTY. Under the cooperation agreement, one representative of the Court Management Section is scheduled to visit Arusha late in the reporting period to exchange information on procedures and practices and to establish the groundwork for future harmonization. A reciprocal visit from an ICTR representative is expected. A major focus of discussion is the implementation of a judicial database system in ICTR, based on the development work already done at ICTY.

2. Chambers Legal Support Section

316. In order to provide a minimum level of support to each trial section, the Chambers Legal Support Section has been reorganized so that the day-to-day support for each ongoing trial is now provided by a P-3 Legal Officer assisted by a team consisting of the three P-2 Associate Legal Officers assigned to the judges in that trial, plus one P-2 Associate Legal Officer assigned to the Chamber as a whole, under the overall supervision of the P-5 Senior Legal Officer. The support structure for the Appeals Chamber has also been revised to provide for the increased number of appeals.

317. The legal support for each Chamber is supervised by the P-5 Senior Legal Officer. In addition to the pre-trial management responsibilities described in paragraph 318 below, the Senior Legal Officer is responsible for providing legal guidance to the staff working within Chambers in order to ensure consistency as far as possible in the functioning among and within the Chambers. The P-5 Legal Officers undertake many administrative and management responsibilities. The P-3 Legal Officer is responsible for the daily management of a trial and coordinates with the judges, the P-5 Senior Legal Officer and the P-2 Associate Legal Officers on the disposition of motions, management of evidence, and the preparation and writing of decisions and judgements.

318. This reporting period has continued to see the active implementation of the substantial additional responsibilities assigned to the Senior Legal Officers of the Section in respect of pre-trial management. Pursuant to rule 65 *ter* (D) and under the authority and direction of the pre-trial judge, the Senior Legal Officers now oversee

the practical implementation of and compliance with the rules governing pre-trial management. In particular, this entails convening and chairing meetings with the parties, on an approximately monthly basis, to discuss and facilitate such matters as the performance of disclosure obligations, the preparation of translations and the resolution of other practical issues.

319. The Section assists the judges in plenary session and the Bureau whenever there are questions concerning Chambers as a whole and provides secretariat support to a number of committees established by the judges, such as the Rules Committee.

3. Office of Legal Aid and Detention Matters

320. The Office of Legal Aid and Detention Matters is responsible for managing the legal aid accorded to indigent accused and legal matters relating to the detention of the accused. The Office is also in charge of the operational aspects of enforcement of sentences.

321. Following the report drawn up by the Office of Internal Oversight Services (OIOS) and faced with the need to ensure better management of legal aid, the Office of Legal Aid and Detention Matters encouraged the creation of an Association of Defence Counsel appearing before the Tribunal. The Association was officially acknowledged by the Registrar on 4 October 2002. In a parallel process, the code of professional ethics for counsel appearing before the Tribunal was amended in July 2002. Disciplinary provisions to sanction breaches of the rules of professional ethics, in particular fee-splitting between counsel and client, have been incorporated.

322. In accordance with the recommendations drawn up by OIOS, the Office is considering strengthening the monitoring and investigative authority of the Registry with regard to the financial situation of indigent accused seeking the assignment of counsel in order to eliminate fee-splitting.

323. A new system of payment for defence counsel representing indigent accused, adopted in part by the judges in the plenary of October 2000 (pre-trial and appeal phases), has been fully phased in following the July 2002 plenary (trial phase). The new system uses lump-sum payments and sets target maximum numbers of compensable working hours for each phase of a case, depending on the complexity of the case. It thus aims to encourage defence counsel to manage their time and resources efficiently.

324. These improvements in the system of legal aid were the subject of a comprehensive report to the General Assembly submitted at the end of May 2003.

325. Within the framework of the inter-Tribunal cooperation project, the Office has proceeded with a first exchange of practices with staff at ICTR.

326. The Office has started a revision of the rules of detention, which seeks to rationalize all the existing rules and review the procedure for visits and communication with the detainees. The Registrar expects to submit the plan for consideration by the judges at the plenary in July 2003.

4. Detention Unit

327. The Detention Unit still has the capacity to hold 68 detainees, with adequate staffing and resources to provide a remand programme in keeping with international

and European standards. The reporting period was marked by many arrivals and many transfers of convicted persons to States for the enforcement of their sentences.

328. Staffing has continued to increase, in response to the increased number of detainees during the reporting period, to reach the current level of 79 guards, supplied through the Dutch prison service and financed through a services and facilities agreement. That number is augmented by one guard supplied through the Austrian Government through a reimbursable loan agreement.

5. Library

329. The Tribunal's Library serves as a resource and research centre for the different organs of the Tribunal as well as defence counsel.

330. The Library has continued a project initiated using the previous EU grant to identify and collect documentation on national substantive and procedural criminal law.

331. Furthermore, the Library has continued to expand its activities and improve its service to users during the reported period. The collection of books, law journals and documents has continued to grow, as has the number of requests for research activities.

C. Administration

1. Budget and Finance Section

332. On 24 December 2001, in its resolution 56/247 A, the General Assembly decided to appropriate to the special account, on a provisional basis, subject to further review at its resumed fifty-sixth (March 2002) session, a total amount of $242,791,600 gross ($218,216,300 net) for the biennium 2002-2003. By the same resolution, the General Assembly also decided that the staffing table for the Tribunal should remain at levels approved for 2001 until further review at its March 2002 session.

333. On 27 March 2002, in its resolution 56/247 B, the General Assembly approved a revised appropriation of $248,926,200 gross ($223,169,800 net) for the Tribunal for the biennium 2002-2003, including resources for audit and investigative services. The General Assembly also approved a revised staffing table of 1,052 posts for the biennium 2002-2003, representing an increase of 84 posts vis-à-vis the 2001 staffing table.

334. On 12 February 2003, in its resolution 57/288, the General Assembly decided that the revised appropriation approved in its resolution 56/247 B for the biennium 2002-2003 would be increased to $262,653,700 gross ($235,955,000 net) in order to cover the requirements of an additional trial team in the Office of the Prosecutor (six new posts) as well as adjustments in the recosting of the appropriation. The current number of authorized posts is 1,058.

2. Human Resources Section

335. At the end of July 2003, the Human Resources Section had processed 14,000 job applications during the preceding 12-month period. In addition to actual recruitment, human resources oversaw the administration of a total of 1,881 staff

members, including 534 at the Professional level (40 per cent of whom are female) and 1,347 at the General Service level. In this 12-month period, 308 new staff members were recruited, 87 of whom were internationally recruited. The Tribunal currently has staff members from 85 countries. A total of 187 other personnel provided assistance to the Tribunal during the reporting period (mainly interns). The number of consultants and individual contractors totalled 693. Over 350 staff members have taken part in in-house training courses. During the reporting period, the Section has overseen the introduction of a new staff selection system (Galaxy) and undertaken the classification of 14 Professional and 24 General Service posts.

3. Conference and Language Services Section

336. The in-house resources of the Conference and Language Services Section were used to full capacity in both translation and interpretation. With the ongoing workload and pace of deadlines, the Section also had to rely on outside contractors for the timely provision of its services.

337. In response to the continuing demand for language-related services in translation and consecutive and simultaneous interpretation, the Section once again organized competitive examinations in translation and interpretation. The total number of candidates examined to update the Section's active roster of external contractors and to fill language-related posts within the Tribunal was 614.

338. Within the scope of the inter-Tribunal cooperation project, the Section provided terminology support to its ICTR counterpart in the form of databases and glossaries.

339. The Section continues to provide transcripts of all courtroom proceedings in English and French, with a view to ensuring the highest quality service in the most cost-effective way.

4. General Services Section

340. The General Services Section provides a broad range of basic support services to all divisions of the Tribunal and to all staff members at The Hague as well as in the field offices. That support includes the provision of travel services, personal effects shipments, visa and entitlements, logistics, supply stores operation, vehicle fleet management, reproduction and graphic services and a complete range of building management services. During the reporting period, the Section completed its reorganization of service functions in order to achieve a more efficient distribution of workload and accommodate the increased demand for services. Furthermore, the Section undertook a demanding schedule of projects required to upgrade and equip the Tribunal's third operations building, a project that was completed in summer 2002.

5. Information Technology Services Section

341. The Information Technology Services Section provides basic infrastructure support to all divisions of the Tribunal, as well as systems development and information technology training services. The infrastructure support includes provision of computers, network, telephone and audio-visual services and equipment in offices, courtrooms and field locations. During the reporting period, the Section was able to respond to the increased demands for its services and supported

increased courtroom activity without a commensurate increase in the resources available.

342. On 19 June 2003, the Section launched a preliminary version of the judicial database, a database containing nearly all of the decisions and filings of the Tribunal. This new tool should dramatically improve the research capacity of the legal staff and judges, and should improve the efficient handling of documents in cases. The process of entering backlogged materials should be completed by the end of 2003.

6. Security and Safety Section

343. The Security and Safety Section is the largest single section in the Tribunal. The range of tasks confronting the Section remained substantial, with officers deployed to all Tribunal field offices as well as the three buildings used by the Tribunal in The Hague. The Tribunal continues to operate in a high-risk and high-threat environment.

VI. Conclusion

344. Ten years ago, the Security Council brought the Tribunal into being. On 22 February 1993, in its resolution 808 (1993), the Security Council announced its determination to establish the Tribunal. And on 25 May 1993, in its resolution 827 (1993), the Council created the Tribunal and approved its Statute. For the first time since the prosecutions at Nuremberg following the Second World War, the international community sought to make good on the often stated (but unrealized) promise to bring an end to impunity for mass atrocities and serious violations of international humanitarian law.

345. The vast scale of the crimes that fall within the Tribunal's jurisdiction — the murders, rapes and deportations, the acts of torture, destruction and cruelty — would dwarf the capacity of any single court to bring about more than a very partial reckoning. But, if with painful slowness at first, with growing confidence and efficiency this Tribunal has helped bring to account a significant number of accused of high rank. After 10 years, the Tribunal has reached a point of some institutional maturity, as the events of the past year demonstrate.

346. The pace of the Tribunal's activities has reached an all-time high. Holding six trials simultaneously throughout the year, the Tribunal's Trial Chambers have handled more cases during the period covered by the present report than in previous years. An increasing number of guilty pleas resulting from plea agreements testifies to the growing recognition by defendants of the sureness of the justice meted out by the Tribunal and of the international community's steadfast commitment to its mission. The Appeals Chamber too has disposed of a greater number of appeals than in years past.

347. While carrying out its mission with full vigour, the Tribunal has pressed forward with plans to bring its efforts to an orderly close, with justice, in the foreseeable future. Internal reforms designed to improve the efficiency of proceedings, such as the expansion of the duties of ad litem judges, continue. In spring 2003, the Tribunal put in place a major element in the external component of its completion strategy by reaching an agreement with the Office of the United

Nations High Representative for Bosnia and Herzegovina concerning the establishment of a special chamber for war crimes prosecutions in the State Court of Bosnia and Herzegovina. The establishment of that chamber, endorsed by the steering board of the Peace Implementation Council on 12 June 2003, should enable the Tribunal to begin transferring some cases of mid- and lower-level accused during 2004 or early 2005. The Prosecutor remains committed to ceasing investigations by the end of that year.

348. In bringing to justice individuals who committed war crimes, genocide and crimes against humanity in former Yugoslavia, the Tribunal has given victims a chance to see their sufferings recorded and at least in some measure vindicated. By laying bare the consequences of ethnic and religious hatred, the trials held by the Tribunal have demonstrated the viciousness of those who built their power by encouraging their followers to embrace such hatreds. Thus, those trials have sent a powerful message that only through justice can all the peoples of former Yugoslavia achieve reconciliation and create thriving societies.

349. As emphasized in previous reports, however, the Tribunal cannot fulfil its mandate without the active support of all Member States, above all the full cooperation of the States of former Yugoslavia. Individuals who have been indicted must be arrested and turned over. Evidence must be made available promptly and fully. Only then will the Tribunal be able to complete the mission assigned it by the Security Council a decade ago.

Annex I

List of persons indicted by the International Criminal Tribunal for the Former Yugoslavia

This table lists all persons indicted by the Tribunal since its inception.
Total current indictments: 42 (see explanation below)
Total number of currently indicted persons: 74 (see explanation below)

Date/No.	*Case details*
04/11/94	**NIKOLIĆ ("SUŠICA CAMP")**
	Last amended 27/06/03
IT-94-2	Dragan Nikolić: c.
13/02/95	≈ **TADIĆ ("PRIJEDOR")**
	Last amended 14/12/95
IT-94-1	Duško Tadić: g., v., c. *Case completed*
	Goran Borovnica: g., v., c. *Separated from indictment (see Case No. IT-94-3 below)*
13/02/95	**BOROVNICA ("PRIJEDOR")**
	Last amended 14/12/95
IT-94-3	Goran Borovnica: g., v., c. *Remains at large*
13/02/95	≈ **MEAKIĆ *ET AL.* ("OMARSKA CAMP")**
	Last amended 05/07/02
IT-95-4	Željko Meakić: v., c. *Indictment joined with Fuštar et al. "Keraterm Camp" and re-numbered as Case No. IT-02-65 on 21/11/02 (see below)*
	Momčilo Gruban: v., c. *Indictment joined with Fuštar et al. "Keraterm Camp" and re-numbered as Case No. IT-02-65 on 21/11/02 (see below)*
	Dušan Knežević: v., c. *Indictment joined with Fuštar et al. "Keraterm Camp" and re-numbered as Case No. IT-02-65 21/11/02 (see below)*
	Dragoljub Prcać: v., c. *Separated from indictment (see Case No. IT-98-30/1 below)*
	Mitroslav Kvočka: v., c. *Separated from indictment (see Case No. IT-98-30/1 below)*
	Mlado Radić: v., c. *Separated from indictment (see Case No. IT-98-30/1 below)*
	Milojica Kos: v., c. *Separated from indictment (see Case No. IT-98-30/1 below)*
	Zoran Žigić: v., c. *Separated from indictment (see Case No. IT-98-30/1 below)*
	Zdravko Govedarica: *Charges withdrawn 08/05/98*
	Goran Gruban: *Charges withdrawn 08/05/98*
	Predag Kostić: *Charges withdrawn 08/05/98*
	Nedeljko Paspalj: *Charges withdrawn 08/05/98*
	Milan Pavlić: *Charges withdrawn 08/05/98*
	Milutin Popović: *Charges withdrawn 08/05/98*
	Draženko Predojević: *Charges withdrawn 08/05/98*
	Željko Savić: *Charges withdrawn 08/05/98*
	Mirko Babić: *Charges withdrawn 08/05/98*
	Nikica Janjić: *Charges withdrawn 08/05/98*
	Dragomir Šaponja: *Charges withdrawn 08/05/98*

Date/No.	*Case details*
21/07/95	**SIMIĆ *ET AL.* ("BOSANSKI ŠAMAC")**
	Last amended 30/05/02
IT-95-9	Blagoje Simić: g., c.
	Miroslav Tadić: g., c.
	Simo Zarić: g., c.
	Milan Simić: c. *Separated from indictment (see Case No. IT-95-9/2 below).*
	Stevan Todorović: g., c. *Separated from indictment (see Case No. IT-95-9/1 below).*
	Slobodan Miljković: g., c. *Accused deceased 08/04/98.*
21/07/95	# **TODOROVIĆ *ET AL.* ("BOSANSKI ŠAMAC")**
	Last amended 24/01/01
IT-95-9/1	Stevan Todorović: c. *Case completed.*
21/07/95	# **SIMIĆ ("BOSANSKI ŠAMAC")**
	Last amended 28/05/02
IT-95-9/2	Milan Simić: c. *Case completed.*
21/07/95	# **JELISIĆ ("BRČKO")**
	Last amended 19/10/98. Originally part of same indictment as Češić (see Case No. IT-95-10/1 below).
IT-95-10	Goran Jelisić: v., gen., c. *Case completed.*
21/07/95	**ČEŠIĆ ("BRČKO")**
	Last amended 26/11/02. Originally part of same indictment as Jelisić (see Case No. IT-95-10 above).
IT-95-10/1	Ranko Češić: v., c.
21/07/95	# **FUŠTAR *ET AL.* ("KERATERM CAMP")**
	Last amended 05/07/02
IT-95-8/1	Dušan Fuštar: v., c. *Indictment joined with Meakić et al. "Omarska Camp" and re-numbered as Case No. IT-02-65 on 21/11/02 (see below).*
	Predrag Banović: v., c. *Indictment joined with Meakić et al. "Omarska Camp" and re-numbered as Case No. IT-02-65 on 21/11/02 (see below).*
	Dušan Knežević: v., c. *Indictment joined with Meakić et al. "Omarska Camp" and re-numbered as Case No. IT-02-65 on 21/11/02 (see below).*
	Duško Sikirica: *Separated from indictment (see Case No. IT-95-8 below).*
	Damir Došen: *Separated from indictment (see Case No. IT-95-8 below).*
	Dragan Kolundžija: *Separated from indictment (see Case No. IT-95-8 below).*
	Nenad Banović: *Charges withdrawn 10/04/02.*
	Nikica Janjić: *Charges withdrawn 12/06/96.*
	Dragan Kondić: *Charges withdrawn 12/06/96.*
	Goran Lajić: *Charges withdrawn 12/06/96.*
	Dragomir Šapona: *Charges withdrawn 12/06/96.*
	Nedeljko Timarac: *Charges withdrawn 12/06/96.*
	Zoran Žigić: *Charges withdrawn 12/06/96.*
21/07/95	# **SIKIRICA**
	Last amended 30/08/99
IT-95-8	Duško Sikirica: c. *Amended 19/09/01 following plea agreement. Case completed.*
	Damir Došen: c. *Amended 19/09/01 following plea agreement. Case completed.*
	Dragan Kolundžija: c. *Amended 04/09/01 following plea agreement. Case completed.*

Date No	*Case details*
24/07/95; 16/11/95	**KARADŽIĆ ("BOSNIA and HERZEGOVINA" and "SREBRENICA")**
	Last amended 31/05/00. Originally indicted with Mladić (see below) under two separate in
	one for Bosnia and Herzegovina and one for Srebrenica.
IT-95-5/18	Radovan Karadžić: g., v., gen., c. *Accused remains at large.*
24/07/95; 16/11/95	**MLADIĆ ("BOSNIA and HERZEGOVINA" and "SREBRENICA")**
	Last amended 31/05/00. Originally indicted with Karadžić *(see above) under two separate*
	one for Bosnia and Herzegovina and one for Srebrenica.
IT-95-5/18	Ratko Mladić: v., gen., c. *Last amended 11/10/02. Accused remains at large.*
25/07/95	**MARTIĆ ("ZAGREB BOMBING")**
	Last amended 18/12/02.
IT-95-11	Milan Martić: v., c.
29/08/95	**RAJIĆ ("STUPNI DO")**
IT-95-12	Ivica Rajić: g., v.
07/11/95	**MRKŠIĆ *ET AL.* ("VUKOVAR HOSPITAL")**
	Last amended 21/07/03.
IT-95-13/1	Mile Mrkšić: v., c.
	Miroslav Radić: v., c.
	Veselin Šljivančanin: v., c.
IT-95-13a	Slavko Dokmanović: v., c., g. *Added to the Mrkšić indictment 03/04/96, kept confidential u*
	disclosure on 27/06/97; accused deceased 29/06/98.
10/11/95	# **FURUNDŽIJA ("LAŠVA VALLEY")**
	Last amended 02/07/98.
IT-95-17/1	Anto Furundžija: v. *Case completed.*
10/11/95	**BLAŠKIĆ ("LAŠVA VALLEY")**
	Last amended (corrigendum) 16/03/99.
IT-95-14	Tihomir Blaškić: g., v., c.
	Dario Kordić: *Separated from indictment (see Case No. IT-95-14/2 below).*
	Mario Čerkez: *Separated from indictment (see Case No. IT-95-14/2 below).*
	Zlatko Alexsovski: *Separated from indictment (see Case No. IT-95-14/1-A below).*
	Ivan Šantić: *Charges withdrawn 19/12/97.*
	Pero Skopljak: *Charges withdrawn 19/12/97.*
10/11/95	# **ALEXSOVSKI ("LAŠVA VALLEY")**
IT-95-14/1-A	Zlatko Alexsovski: g., v. *Case completed.*
10/11/95	**KORDIĆ AND ČERKEZ ("LAŠVA VALLEY")**
	Last amended 30/09/98.
IT-95-14/2	Dario Kordić: g., v., c.
	Mario Čerkez: g., v., c.

Date/No.	*Case details*
10/11/95	# **MARINIĆ ("LAŠVA VALLEY")**
	Kept confidential until disclosure on 27/06/96.
IT-95-15	Zoran Marinić: *Charges withdrawn 03/10/02.*
10/11/95	# **KUPREŠKIĆ *ET AL.* ("LAŠVA VALLEY")**
	Zoran Kupeškić: v., c. *Acquitted.*
IT-95-16-A	Mirjan Kupeškić: v., c. *Acquitted.*
	Vlatko Kupeškić: v., c. *Acquitted.*
	Drago Josipović: v., c. *Case completed.*
	Dragan Papić: c. *Acquitted.*
	Vladimir Šantić: v., c. *Case completed.*
	Stipo Alilović: *Accused deceased 25/10/95; withdrawn from indictment 27/12/97.*
	Marinko Katava: *Charges withdrawn 19/12/97.*
29/02/96	# **DJUKIĆ**
IT-96-20	Đorđe Đukić: v., c. *Accused deceased 18/05/96.*
21/03/96	# **MUCIĆ *ET AL.* ("ČELEBIĆI CAMP")**
	Last amended 16/01/98.
IT-96-21	Zejnil Delalić: g., v. *Acquitted.*
	Zdravko Mucić: g., v. *Case completed.*
	Hazim Delić: g., v. *Case completed.*
	Esad Landžo: g., v. *Case completed.*
29/05/96	# **ERDEMOVIC ("PILICA FARM")**
IT-96-22	Drazen Erdemovic v., c. *Case completed.*
26/06/96	**KUNARAC *ET AL.* ("FOČA")**
	Gojko Janković: v., c., *last amended 01/12/99. Remains at large.*
IT-96-23	Dragan Zelenović: v., c., *last amended 01/12/99. Remains at large.*
	Radovan Stanković: *Separated from indictment (see Case No. IT-96-23/2 below).*
	Radomir Kovač: v. c., *last amended 01/12/99. Case completed.*
	Dragoljub Kunarac: v., c., *last amended 01/12/99. Case completed.*
IT-96-23/1	Zoran Vuković: v., c., *Last amended 21/02/2000. Case completed.*
	Dragan Gagović: *Accused deceased 09/01/99; withdrawn from indictment 30/07/99.*
	Janko Janjić: v., c. *Accused deceased 12/10/00.*
26/06/96	**STANKOVIĆ ("FOČA")**
	Last amended 03/03/03.
IT-96-23/2	Radovan Stanković: v., c.,
13/03/97	**STAKIĆ ("PRIJEDOR")**
	Kept confidential until its disclosure on 23/03/01.
	Last amended 10/04/02.
IT-97-24	Milomir Stakić: gen., c., v.
	Milan Kovačević: gen., c., v., g. *Accused deceased 01/08/98.*
	Simo Drljača: gen. *Accused deceased 10/07/97.*

Date/No.	*Case details*
17/06/97	**KRNOJELAC ("FOČA - KP DOM CAMP")**
IT-97-25	Milorad Krnojelac: v., c. *Kept confidential until its disclosure on 15/06/98; last amended 25/06/01*
	Savo Todović: g., v., c., *Kept confidential until its disclosure on 29/11/01. Remains at large.*
	Mitar Rašević: g., v., c., *Kept confidential until its disclosure on 29/11/01. Remains at large.*
30/09/97	# **RAZNJATOVIĆ ("ARKAN")**
IT-97-27	Željko Raznjatović: g., v., c. *Accused deceased 15/01/00.*
24/04/98	**GALIĆ AND MILOŠEVIĆ ("SARAJEVO")**
	Stanislav Galić: v., c. *Kept confidential until its disclosure on 20/12/99; last amended 26/03/99*
IT-98-29	Dragomir Milošević: v., c. *Partially confidential until its total disclosure on 02/11/01. Remains at large.*
26/10/98	**VASILJEVIĆ ("VIŠEGRAD")**
	Kept confidential until its disclosure on 25/01/00 and 30/10/00; last amended 20/07/01
IT-98-32	Mitar Vasiljević: c., v.
	Milan Lukić: c., v. *Remains at large.*
	Sredoje Lukić: c., v. *Remains at large.*
02/11/98	**KRSTIĆ AND PANDUREVIĆ ("SREBRENICA-DRINA CORPS")**
	Kept confidential until its disclosure on 02/12/98; last amended 27/10/99
IT-98-33	Radislav Krstić: gen., v., c.
	Vinko Pandurević: gen., v., c. *Kept confidential until its disclosure on 07/12/01. Remains at large.*
	Vidoje Blagojević: *Separated from indictment (see Case No. IT-02-53 below).*
09/11/98	**KVOČKA *ET AL.* ("OMARSKA, KERATERM and TRNOPOLJE CAMPS")**
	The cases as regards these individuals were joined on 26/10/00.
IT-98-30/1	Miroslav Kvočka: v., c.
	Mlado Radić: v., c.
	Milojica Kos: v., c.
	Zoran Žigić: v., c.
	Dragoljub Prcać: v., c.
21/12/98	**NALETILIĆ AND MARTINOVIĆ ("TUTA AND ŠTELA")**
	Last amended 16/10/2001
IT-98-34	Mladen Naletilić: g., v., c.
	Vinko Martinović: g., v., c.
14/03/99	**BRĐANIN *ET AL.* ("KRAJINA")**
	Kept confidential until its disclosure on 06/07/99.
IT-99-36 & 36/1	Radoslav Brđanin: v., gen., c., g. *Last amended 07/10/02.*
	Momir Talić: v., gen., c., g. *Last amended 10/12/01. Accused deceased 28/05/03.*
IT-99-36	Stojan Župljanin: v., gen., c., g. *Added to indictment 17/12/99. Kept confidential until its disclosure on 31/07/01. Remains at large.*
24/05/99	**MILOŠEVIĆ ("KOSOVO, CROATIA AND BOSNIA AND HERZEGOVINA")**
	Initially indicted for Kosovo as part of case IT-99-37; initially indicted for Croatia on 08/10/01; initially indicted for Bosnia 22/11/01. Joinder of cases on 01/02/02.
IT-02-54	Slobodan Milošević:
	The Kosovo Indictment: v., c., *Last amended 29/10/01.*

Date/No.	*Case details*
	The Croatia Indictment: g., v., c., *Last amended 23/10/02*
	The Bosnia and Herzegovina Indictment: gen., g., v., c.
24/03/99	**MILUTINOVIĆ ("KOSOVO")**
	Last amended on 05/09/02
IT-99-37	Milan Milutinovic: v., c.
	Nikola Šainović: v., c.
	Dragoljub Ojdanic: v., c.
	Slobodan Milošević: v., c. *Separated from indictment (see case IT-02-54 above).*
	Vlajko Stojiljković: v., c. *Accused deceased 13/04/02.*
27/09/00	**LJUBIČIĆ ("LAŠVA VALLEY")**
	Kept confidential until its disclosure on 30/10/01.
IT-00-41	*Last amended 02/08/02*
	Pasko Ljubičić: c., v.
27/02/01	**STRUGAR *ET AL.* ("DUBROVNIK")**
	Kept confidential until its disclosure on 02/10/01.
IT-01-42	*Last amended 31/03/03*
	Pavle Strugar: v.
	Miodrag Jokić: v.
	Vladimir Kovačević: v. *Remains at large.*
	Milan Zec: *Indictment withdrawn 26/07/02.*
19/03/01	**KRAJIŠNIK AND PLAVŠIĆ ("BOSNIA and HERZEGOVINA")**
	Last amended 07/03/02
IT-00-39 & 40/1	Momčilo Krajišnik: gen., c., v.
	Biljana Plavšić: c. *Last amended 20/12/02 following plea agreement.*
08/06/01	**GOTOVINA ("OPERATION STORM")**
	Kept confidential until its disclosure on 26/07/01.
IT-01-45	Ante Gotovina: c., v. *Remains at large.*
08/06/01	**ADEMI ("MEDAK POCKET")**
	Kept confidential until its disclosure on 25/07/01.
IT-01-46	*Last amended 01/02/02*
	Rahim Ademi: c., v.
13/07/01	**HADZIHASANOVIĆ *ET AL.* ("CENTRAL BOSNIA")**
	Kept confidential until its disclosure on 02/08/01.
IT-01-47	*Last amended 11/01/02*
	Enver Hadzihasanovic: v.
	Mehmed Alagic: v. *Accused deceased 07/03/03.*
	Amir Kubura: v.
12/09/01	**HALILOVIĆ ("GRABOVICA AND UZDOL")**
	Kept confidential until its disclosure on 25/09/01.
IT-01-48	Sefer Halilovic: v.

Date/No.	*Case details*
15/01/02	**BLAGOJEVIĆ *ET AL.* ("SREBRENICA")**
	Joined with the Momir Nikolić and Obrenović cases on 27/05/02; last amended joinder indictment 26/05/03. Nikolić and Obrenović later separated following plea agreements.
IT-02-53; IT-02-56.	Vidoje Blagojević: v., gen., c., *kept confidential until its disclosure on 10/08/01.*
IT-02-60/1/2	Dragan Jokić: c., v., *30/5/01, kept confidential until its disclosure on 15/08/01.*
IT-02-60/2	Dragan Obrenović: c., *Kept confidential until its disclosure on 15/04/01; last amended 23/05/03 following plea agreement.*
IT-02-60/1	Momir Nikolić: c. *Last amended 09/05/03 following plea agreement.*
26/03/02	**POPOVIĆ ("SREBRENICA")**
	Kept confidential until its disclosure on 21/10/02.
IT-02-57	Vujadin Popović: gen., v., c. *Remains at large.*
26/03/02	**BEARA ("SREBRENICA")**
	Kept confidential until its disclosure on 21/10/02.
IT-02-58	Ljubiša Beara: gen., v., c. *Remains at large.*
16/04/02	**MRDJA ("VLASIC MOUNTAIN")**
	Kept confidential until its disclosure on 14/06/02.
IT-02-59	Darko Mrdja: c., v. *Last amended 24/07/03 following plea agreement.*
03/07/02	**DERONJIĆ ("GLOGOVA")**
	Kept confidential until its disclosure on 08/07/02.
IT-02-61	*Last amended 29/11/02*
	Miroslav Deronjić: v., c.
06/09/02	**DRAGO NIKOLIĆ ("SREBRENICA")**
	Kept confidential until its disclosure on 21/10/02
IT-02-63	Drago Nikolić: gen., v., c. *Remains at large.*
06/09/02	**BOROVČANIN ("SREBRENICA")**
	Kept confidential until its disclosure on 27/09/02
IT-02-64	Ljubomir Borovčanin: gen., v., c. *Remains at large.*
17/09/02	# **BOBETKO ("MEDAK POCKET")**
	Kept confidential until its disclosure on 20/11/02.
IT-02-62	Janko Bobetko: c., v. *Accused deceased 29/04/03.*
21/11/02	**MEAKIĆ *ET AL.* ("OMARSKA CAMP")**
	Original Meakić et al. indictment (IT-95-4) joined with Fuštar et al. indictment (IT-95-8/1) on 21
IT-02-65;	Željko Meakić: v., c.
IT-02-65/1	Momčilo Gruban: v., c.
	Dušan Fuštar: v., c.
	Dušan Knežević: v., c.
	Predrag Banović: c. *Last amended 26/06/03 following plea agreement.*
24/01/03	**LIMAJ *ET AL.***
	Kept confidential until its disclosure on 18/02/03.
IT-03-66	*Last amended 25/03/03.*

Date/No.	*Case details*
	Fatmir Limaj: v., c.
	Haradin Bala: v., c.
	Isak Musliu: v., c.
	Agim Murtezi: *Charges withdrawn 28/14/03.*
14/02/03	**ŠEŠELJ**
IT-03-67	Vojislav Šešelj: v., c.
28/03/03	**ORIĆ**
	Kept confidential until its disclosure on 11/04/03
IT-03-68	*Last Amended 23/07/03*
	Naser Orić: v.
01/05/03	**STANISIĆ AND SIMATOVIĆ**
	Jovica Stanisić: v., c.
IT-03-69	Franko Simatović: v., c.

Notes

g.: grave breach of the Geneva Conventions of 1949 (Article 2 of the Statute of the Tribunal).
v.: violation of the laws or customs of war (Article 3 of the Statute of the Tribunal).
gen.: genocide (Article 4 of the Statute of the Tribunal).
c.: crime against humanity (Article 5 of the Statute of the Tribunal).
#: case completed or (where indicated) indictment replaced.

Last amended dates: where the last amended date appears directly under the main title of the case, the date refers to the last date of amendment of an indictment naming all the accused. Where the last amended date appears after the name of an individual, the date refers to a subsequent indictment naming that accused only.

At the end of reporting period, there were 42 active indictments, covering 74 individuals, eighteen of whom remained at large. The rest were in some stage of proceedings before the Tribunal.

Annex II

List of persons detained at the United Nations Detention Unit

(50 persons are incarcerated, six are on provisional release, and during the reporting period, 10 were discharged, 1 was released and 2 of those given provisional release died)

Arrested (11)	*Detained by international forces (24)*	*Surrendered voluntarily (20)*	*Transferred by States (7)*
Zdravko MUCIĆ Mucic et al case (IT-96-21) Date of arrest: 18/3/96 (Vienna, Austria) Date committed to UNDU: 9/04/96 Initial appearance: 11/4/96 Date of discharge: 18/6/2003	Goran JELISIĆ Jelisic and Češic (IT-95-10) Date of arrest by SFOR: 22/1/98 (Bijeljina, Bosnia and Herzegovina) Date committed to UNDU: 22/01/98 Initial appearance: 26/1/98 Date of discharge 29/5/2003	Tihomir BLAŠKIĆ Blaškic case (IT-95-14) Date of voluntary surrender: 1/4/96 Date committed to UNDU: 1/04/96 Initial appearance: 3/4/96	Vinko MARTINOVIĆ Naletilić and Martinović case (IT-98-34) Date of transfer by the Croatian authorities: 9/8/99 Date committed to UNDU: 9/08/99 Initial appearance: 12/8/99
Hazim DELIĆ Mucic et al case (IT-96-21) Date of arrest: 2/5/96 in Bosnia and Herzegovina Date committed to UNDU: 13/06/96 Initial appearance: 18/6/96 Date of discharge: 9/7/2003	Miroslav KVOČKA Kvocka et al case (IT-98-30-1) Date of arrest by SFOR: 8/4/98 Date committed to UNDU: 9/04/98 Initial appearance: 14/4/98	Dario KORDIĆ Kordic and Čerkez case (IT-95-14/2) Date of voluntary surrender: 6/10/97 Date committed to UNDU: 6/10/97 Initial appearance: 8/10/97	Momir TALIĆ Talić case (IT-99-36/1) Date of arrest and transfer by Austria: 25/8/99 Date committed to UNDU: 25/08/99 Initial appearance: 31/8/99 Deceased on Provisional release: 28/05/2003
Esad LANDŽO Mucic et al case (IT-96-21) Date of arrest: 2/5/96 in Bosnia and Herzegovina Date committed to UNDU: 13/06/96 Initial appearance: 18/6/96 Date of discharge: 9/07/2003	Mladen RADIĆ Kvočka et al case (IT-98-30/1) Date of arrest by SFOR: 8/4/98 Date committed to UNDU: 9/04/98 Initial appearance: 14/4/98	Mario ČERKEZ Kordić and Čerkez case (IT-95-14/2) Date of voluntary surrender: 6/10/97 Date committed to UNDU: 6/10/97 Initial appearance: 8/10/97	Mladen NALETILIĆ Naletilić and Martinović case (IT-98-34) Date of transfer by Croatian authorities: 21/3/00 Date committed to UNDU: 21/03/00 Initial appearance: 24/3/00

Arrested (11)	*Detained by international forces (24)*	*Surrendered voluntarily (20)*	*Transferred by States (7)*
Ranko ĆEŠIĆ Jelisić and Ćešić case (IT-95-10/1) Date of arrest by Serbia: 25/05/02 Date committed to UNDU: 17/06/02 Initial appearance: 20/06/02	Milojica KOS Kvočka et al case (IT-98-30/1) Date of arrest by SFOR: 28/5/98 Date committed to UNDU: 29/05/98 Initial appearance: 2/6/98 Date of discharge: 31/7/2002	Milan SIMIĆ Simić case (IT-95-9/2) Date of voluntary surrender: 14/02/98 Date committed to UNDU: 13/08/01 Initial appearance: 17/02/98	Milomir STAKIĆ Stakić case (IT-97-24) Date of transfer by authorities of FY: 23/3/01 Date committed to UNDU: 32/03/01 Initial appearance: 28/3/01
Milan MILUTINOVIĆ Milutinović et al case (IT-99-37) Date of arrest by Serbia: 20/01/03 Date committed to UNDU: 20/01/03 Initial appearance: 27/01/03	Milorad KRNOJELAC Krnojelac case (IT-97-25) Date of arrest by SFOR: 15/6/98 Date committed to UNDU: 15/06/98 Initial appearance: 18/6/98	Miroslav TADIĆ Simić et al case (IT-95-9) Date of voluntary surrender: 14/02/98 Date committed to UNDU: 3/09/01 Initial appearance: 17/02/98	Slobodan MILOŠEVIĆ Milošević et al case (IT-02-54) Date of transfer by authorities of FRY: 28/6/01 Date committed to UNDU: 29/06/01 Initial appearance: 3/7/01:29/11/01:11/12/01
Fatmir LIMAJ Limaj et al case (IT-03-66) Date of arrest by Slovenia: 04/03/03 Date committed to UNDU: 4/03/03 Initial appearance: 05/03/03	Radislav KRSTIĆ Krstić case (IT-98-33-A) Date of arrest by SFOR: 2/12/98 Date committed to UNDU: 3/12/98 Initial appearance: 7/12/98	Simo ZARIĆ Simić et al case (IT-95-9) Date of voluntary surrender: 24/02/98 Date committed to UNDU: 3/09/01 Initial appearance: 26/02/98	Jean KAMBANDA Kambanda case (ITR-97-23) Date committed to UNDU: 8/11/02 Date of discharge: 1/07/03
Jovica STANIŠIĆ Stanišić and Simatović case (IT-02-69) Date of arrest by Serbia: 13/03/03 Date committed to UNDU: 11/06/03 Initial appearance: 03/06/03	Radoslav BRĐANIN Brđanin and Talić case (IT-99-36) Date of arrest by SFOR: 6/7/99 Date committed to UNDU: 6/07/99 Initial appearance: 12/7/99	Dragoljub KUNARAC Kunarac et al case (IT-96-23 & 23/1-A) Date of voluntary surrender: 4/3/98 Date committed to UNDU: 5/03/98 Initial appearance: 9/03/98 Date of discharge:12/02/2002	Predrag BANOVIĆ Mejakić et al case (IT-02-65/1) Date of transfer by authorities of FRY: 09/11/01 (Serbia) Date committed to UNDU: 9/11/01 Initial appearance: 16/11/01

Arrested (11)	*Detained by international forces (24)*	*Surrendered voluntarily (20)*	*Transferred by States (7)*
Franko SIMATOVIĆ Stanišić and Simatović case (IT-02-69) Date of arrest by Serbia: 13/03/03 Date committed to UNDU: 30/05/03 Initial appearance: 02/06/03	Radomir KOVAČ Kunarac et al case (IT-96-23 & 23/1) Date of arrest by SFOR: 2/8/99 Date committed to UNDU: 2/08/99 Initial appearance: 4/08/99 Date of discharge: 28/11/2002	Zoran ŽIGIĆ Kvočka et al case (IT-98-30/1) Date of voluntary surrender: 16/4/98 Date committed to UNDU: 16/04/98 Initial appearance: 20/04/98	Georges RUTAGANDA Rutaganda case (ICTR-96/3) Date committed to UNDU: 27/02/03 Date of discharge: 15/04/03
Ivica RAJIĆ Rajić case (IT-95-12) Date of arrest by Croatia: 05/04/03 Date committed to UNDU: 24/06/03 Initial appearance: 27/06/03	Stanislav GALIĆ Galić case (IT-98-29) Date of arrest by SFOR: 20/12/99 Date committed to UNDU: 21/12/99 Initial appearance: 29/12/99	Biljana PLAVŠIĆ Plavšić case (IT-00-39&40/1) Date of voluntary surrender: 10/01/01 Date committed to UNDU: 14/12/02 Initial appearance: 11/01/01 Date of discharge 26/6/03	
Miroslav RADIĆ Radić and Šljivančanin case (IT-95-13/1) Date of arrest by Serbia: 17/05/03 Date committed to UNDU: 17/05/03 Initial appearance: 21/05/03	Zoran VUKOVIĆ Kunarac et al case (IT-96-23 & 23/1) Date of arrest by SFOR: 23/12/99 Date committed to UNDU: 24/12/99 Initial appearance: 29/12/99 Date of discharge: 28/11/02	Blagoje SIMIĆ Simić et al case (IT-95-9) Date of voluntary surrender: 12/3/01 Date committed to UNDU: 12/03/01 Initial appearance: 15/3/01	
Veselin ŠLJIVANČANIN Šljivančanin case (IT-95-13a) Date of arrest by Serbia: 13/06/03 Date committed to UNDU: 01/07/03 Initial appearance: 03/07/03	Mitar VASILJEVIĆ Vasiljević case (IT-98-32) Date of arrest by SFOR: 25/10/00 Date committed to UNDU: 25/01/00 Initial appearance: 28/1/00	Dragan JOKIĆ Blagojević et al case (IT-02-60) Date of voluntary surrender: 15/08/01 Date committed to UNDU: 15/08/01 Initial appearance: 21/08/01	
	Dragoljub PRCAĆ Kvočka et al case (IT-98-30/1) Date of arrest by SFOR: 5/3/00 Date committed to UNDU: 5/03/00 Initial appearance: 10/3/00	Paško LJUBIČIĆ Ljubičić case (IT-00-41) Date of voluntary surrender: 21/11/01 Date committed to UNDU: 26/11/02 Initial appearance: 30/11/01	

Arrested (11)	Detained by international forces (24)	Surrendered voluntarily (20)	Transferred by States (7)
	Momčilo KRAJIŠNIK Krajišnik case (IT-00-39 & 40-PT) Date of arrest by SFOR: 3/4/00 Date committed to UNDU: 3/04/00 Initial appearance: 7/4/00	Dušan FUŠTAR Mejakić et al case (IT-02-65) Date of voluntary surrender: 31/01/2002 Date committed to UNDU: 31/01/02 Initial appearance: 6/02/02	
	Dragan NIKOLIĆ Nikolić case (IT-94-2) Date of arrest by SFOR: 21/4/00 Date committed to UNDU: 22/04/00 Initial appearance: 28/4/00	Dragoljub OJDANIĆ Milutnović et al case (IT-99-37) Date of voluntary surrender: 25/04/02 Date committed to UNDU: 25/04/02 Initial appearance: 26/04/02	
	Dragan OBRENOVIĆ Obrenović case (IT-02-60/2) Date of arrest by SFOR: 15/04/01 Date committed to UNDU: 15/04/01 Initial appearance: 18/04/2001	Nikola ŠAINOVIĆ Milutnović et al case (IT-99-37) Date of voluntary surrender: 2/05/02 Date committed to UNDU: 2/05/02 Initial appearance: 3/05/02	
	Vidoje BLAGOJEVIĆ Blagojević et al case (IT-02-60) Date of arrest by SFOR: 10/08/01 Date committed to UNDU: 10/08/01 Initial appearance: 16/08/01	Milan MARTIĆ Martić case (IT-95-11) Date of voluntary surrender: 15/05/02 Date committed to UNDU: 15/05/02 Initial appearance: 21/05/2002	
	Momir NIKOLIĆ Momir Nikolić case (IT-02-60/1) Date of arrest by SFOR: 1/4/02 Date committed to UNDU: 2/04/02 Initial appearance: 3/4/02	Mile MRKŠIĆ Mrkšić case (IT-95-13/1) Date of voluntary surrender: 15/05/02 Date committed to UNDU: 15/05/02 Initial appearance: 16/05/2002	
	Miroslav DERONJIĆ Deronjić case (IT-02-61) Date of arrest by SFOR: 07/07/02 Date committed to UNDU: 8/06/02 Initial appearance: 10/07/02	Dušan KNEŽEVIĆ Mejakić et al case (IT-02-65) Date of voluntary surrender: 18/05/2002 Date committed to UNDU: 18/05/02 Initial appearance: 24/05/02	

Arrested (11)	*Detained by international forces (24)*	*Surrendered voluntarily (20)*	*Transferred by States (7)*
	Darko MRĐA Mrđa case (IT-02-59) Date of arrest by SFOR: 13/06/02 Date committed to UNDU: 13/06/02 Initial appearance: 17/06/02 Radovan STANKOVIĆ Stanković case (IT-96-23/2) Date of arrest by SFOR: 09/07/02 Date committed to UNDU: 10/07/02 Initial appearance: 12/07/2002	Vojislav ŠEŠELJ Šešelj case (IT-03-67) Date of voluntary surrender: 20/01/03 Date committed to UNDU: 24/02/03 Initial appearance: 27/01/03 Željko MEJAKIĆ Mejakić et al case (IT-02-65) Date of voluntary surrender: 04/07/03 Date committed to UNDU: 4/07/03 Initial appearance: 07/07/03	
	Agim MURTEZI Limaj et al case (IT-03-66) Arrested by KFOR: 02/03 Date committed to UNDU: 18/02/03 Initial appearance: 20/02/03 Released: 20/02/03		
	Haradin BALA Limaj et al case (IT-03-66) Date of arrest by KFOR: 02/03 Date committed to UNDU: 18/02/03 Initial appearance: 20/02/03		
	Isak MUSLIU Limaj et al case (IT-03-66) Date of arrest by KFOR: 02/03 Date committed to UNDU: 18/02/03 Initial appearance: 20/02/03		
	Naser ORIĆ Orić case (IT-03-66) Date of arrest by SFOR: 10/04/03 Date committed to UNDU: 11/04/03 Initial appearance: 15/04/03		

List of persons on provisional release

Arrested (6)	*Detained by international forces and released (0)*	*Surrendered voluntarily on provisional release (7)*	*Transferred by States (0)*
		Pavle STRUGAR Strugar et al case (IT-01-42) Date of voluntary surrender: 21/10/01 Date committed to UNDU: 21/10/01 Initial appearance: 25/10/01 Provisionally released: 01/12/01	
		Miodrag JOKIĆ Strugar et al case (IT-01-42) Date of voluntary surrender: 12/11/01 Date committed to UNDU: 12/11/01 Initial appearance: 14/11/01 Provisionally released: 20/02/02	
		Rahim ADEMI Ademi case (IT-01-46) Date of voluntary surrender: 25/07/01 Date committed to UNDU: 25/07/01 Initial appearance: 26/07/01 Provisionally released: 20/02/02	
		Enver HADIHASANOVIĆ Hadihasanovic case (IT-01-47) Date of voluntary surrender: 02/08/01 Date committed to UNDU: 4/08/01 Initial appearance: 09/08/01 Provisionally released: 13/12/01	

Arrested (B)	Detained by international forces and released (B)	Surrendered voluntarily or provisional release (C)	Transferred by States (D)
		Momčilo GRUBAN Mejakić et al case (IT-02-65) Date of voluntary surrender: 02/5/02 Date committed to UNDU: 2/05/02 Initial appearance: 10/05/2002 Provisionally released: 17/07/02	
		Sefer HALILOVIĆ Halilović case (IT-01-48) Date of voluntary surrender: 25/09/01 Date committed to UNDU: 25/09/01 Initial appearance: 27/09/01 Provisionally released: 14/12/01	
		Mehmed ALAGIĆ Hadihasanović case (IT-01-47) Date of voluntary surrender: 02/08/01 Date committed to UNDU: 4/08/01 Initial appearance: 09/08/01 Deceased on provisional release: 07/03/03	

Annex III

Persons publicly indicted by the Tribunal who remain at large

Name of the accused	Date of indictment	Last known place of residence
Goran Borovnica	13/2/95	BH (Republika Srpska)
Radovan Karadžić	25/7/95, 16/11/95	BH (Republika Srpska)
Ratko Mladić	25/7/95, 16/11/95	BH (Republika Srpska)/S+M
Gojko Janković	26/6/96	BH (Republika Srpska, Foča)
Dragan Zelenović	26/6/96	BH (Republika Srpska, Foča)
Milan Lukić	26/08/98	Place of residence unknown
Savo Todović	17/06/97	S+M
Mitar Rašević	17/06/97	S+M
Sredoje Lukić	26/08/98	Place of residence unknown
Vinko Pandurević	2/11/98	BH (Republika Srpska)
Dragomir Milošević	26/03/99	S+M
Ante Gotovina	08/06/01	Croatia
Stojan Župljanin	17/12/00	BH (Republika Srpska)
Vladimir Kovačević	27/02/01	S+M
Ljubisa Beara	26/03/02	BH (Republika Srpska)/S+M
Vujadin Popović	26/03/02	BH (Republika Srpska)/S+M
Ljubomir Borovcanin	06/09/02	BH (Republika Srpska)/S+M
Drago Nikolić	06/09/02	BH (Republika Srpska)/S+M

BH: Bosnia and Herzegovina
S+M: Serbia and Montenegro